1857.

SUPREME COURT OF THE UNITED STATES.

Nos. 54—55.

JOHN DEN, EX DEM. JAMES B. MURRAY AND JOHN C. KAYSER, PLAINTIFF,

vs.

THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

And

JOHN DEN, EX DEM. JAMES B. MURRAY AND JOHN C. KAYSER, PLAINTIFF,

vs.

THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

ON CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT OF THE UNITED STATES FOR THE DISTRICT OF NEW JERSEY.

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GIDEON, print.

SUPREME COURT OF THE UNITED STATES.

JOHN DEM, by the demise of JAMES B. MURRAY and JOHN C. KAYSER,
agst.
THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

THE SAME, by the same demise,
agst.
THE SAME.

These cases come up on special verdicts and certificates of division of opinion of the judges of the circuit court for the district of New Jersey.

These cases were tried at Trenton, on the twenty-seventh day of September, one thousand eight hundred and fifty-four, before his honor Justice Grier, circuit judge, and his honor Judge Dickerson, district judge of the district of New Jersey, and a jury.

The pleadings in each case were as follows:

In the third circuit court of the United States in and for the New Jersey district, of the term of September, in the year of our Lord 1853.

DISTRICT OF NEW JERSEY, *ss:*

John Dem, a citizen of the State of New York, complains of the Hoboken Land and Improvement Company, that, whereas, James B. Murray and John C. Kayser, both of the city of New York, in the State of New York, and citizens of the State of New York, on the third day of March, in the year of our Lord 1853, at the township of Hoboken, in the county of Hudson, in the said district of New Jersey, had demised, set, and to farm let, to the aforesaid John Dem, a citizen of the State of New York, one messuage, one tenement, one barn, one orchard, one garden, ten acres of arable land, ten acres of pasture land, ten acres of meadow land, ten acres of wood land, and ten acres of land covered with water, with the appurtenances, situate, lying and being in the township of Hoboken, in the county of Hudson, in the district of New Jersey aforesaid, now or late in the tenure and occupation of the said The Hoboken Land and Improvement Company: to have and to hold the tenements aforesaid, with the appurtenances, unto the said John Dem and his assigns, from the second day of March, in the year aforesaid, for, during, and until the full end and term of fourteen years thence next ensuing, and fully to be completed and ended.

And also, that, whereas, the said James B. Murray, a citizen of the State of New York, on the third day of March, in the year of our Lord 1853, at the township of Hoboken, in the county of Hudson, in the said district of New Jersey, had demised, set, and to farm let, to the

aforesaid John Den, a citizen of the State of New York, one messuage, one tenement, one barn, one orchard, one garden, ten acres of arable land, ten acres of pasture land, ten acres of meadow land, ten acres of wood land, and ten acres of land covered with water, with the appurtenances, situate, lying and being in the township of Hoboken, in the county of Hudson, in the said district of New Jersey, now or late in the tenure and occupation of the said The Hoboken Land and Improvement Company: to have and to hold the tenements aforesaid, with the appurtenances, unto the said John Den and his assigns, from the second day of March, in the year aforesaid, for, during, and until the full end and term of fourteen years thence next ensuing, and fully to be completed and ended.

And also, that, whereas, the said John C. Kayser, a citizen of the State of New York, on the third day of March, in the year 1853, at Hoboken, in the county of Hudson, in the district of New Jersey aforesaid, had demised, set, and to farm let, to the aforesaid John Den, a citizen of the State of New York, one messuage, one tenement, one barn, one orchard, one garden, ten acres of arable land, ten acres of pasture land, ten acres of meadow land, ten acres of wood land, and ten acres of land covered with water, with the appurtenances, situate, lying and being in the township of Hoboken, in the county of Hudson, in the district of New Jersey aforesaid, now or late in the tenure and occupation of the said The Hoboken Land and Improvement Company: to have and to hold the tenements aforesaid, with the appurtenances, unto the said John Den and his assigns, from the second day of March, in the year aforesaid, for, during, and until the full end and term of fourteen years thence next ensuing, and fully to be completed and ended.

By virtue of which said several demises, the said John Den, a citizen of the State of New York, entered into the said several tenements, with the appurtenances, and became and was thereof possessed, until the said The Hoboken Land and Improvement Company, afterwards, to wit, on the fourth day of the same month of March, in the year aforesaid, with force and arms, &c., entered into the said several tenements aforesaid, with the appurtenances, in and upon the possession of the said John Den, and ejected, drove out, and removed the said John Den from his said farm, his said term not being yet ended, and kept out and still keeps out the said John Den so ejected, drove out, and removed from his said possession; and then and there did other wrongs to the said John Den, against the peace of the State and of the district of New Jersey, and of the United States of America, and to the damage of the said John Den one thousand dollars; and therefore he brings this suit.

And it is hereupon suggested to the said court, before the aforesaid justices thereof, that the said farm and possession was, at the time of

filing this declaration, of the value of three thousand dollars and upwards.

JOHN DOE,
RICHARD ROE, } *Pledges, &c.*

J. D. MILLER,
Attorney for plaintiff.

DISTRICT OF NEW JERSEY, *ss:*

John Dem puts in his place J. Dickenson Miller, his attorney, against "The Hoboken Land and Improvement Company," in a plea of trespass and ejectment.

And the said The Hoboken Land and Improvement Company, by A. O. Zabriskie, their attorney, come and say that they are not guilty of unlawfully withholding the premises claimed by the said John Den, as alleged in his said declaration; and of this, they, the said The Hoboken Land and Improvement Company, put themselves upon the country, and the said John Den doth the like.

Therefore the issue above joined is ordered by the said supreme court to be tried at the circuit court appointed to be held at the courthouse at Trenton, in the county of Mercer aforesaid.

The consent rule in the first entitled case was in the following words:

"It is ordered, by the consent of the attorneys of both parties, that the Hoboken Land and Improvement Company be made defendant, in the stead of the now defendant, Richard Fen, and do forthwith appear at the suit of the plaintiff, and receive a declaration in an action of trespass and ejectment for the premises in question, which said premises the said The Hoboken Land and Improvement Company hereby admit to be or consist of six lots of land in the township of Hoboken, in the county of Hudson and State of New Jersey, of twenty-two feet front by ninety-five feet deep, fronting on Meadow street, on the west side thereof, and together comprising a tract of one hundred and thirty-two feet front and rear, and ninety-five feet deep on each side, bounded east by Meadow street, south by First street, north by a line parallel to First street, and by a line parallel to Meadow street, situate at Hoboken, in the said county of Hudson, and now in the possession and occupation of Thomas A. Harley, John R. Everett, Julius Fergois, John M. Landers, Isaac Bennett, and Mary D. Campbell, as tenants of said company, and for which they intend as landlords thereof to defend this action of trespass and ejectment.

"And it is further ordered, by the like consent, that the said The Hoboken Land and Improvement Company do forthwith plead thereto not guilty, and upon the trial of the issue confess lease, entry and ouster, and that the said The Hoboken Land and Improvement Company was at the time of the service of the said declaration in possession of the premises hereinbefore mentioned and specified, and insist upon the title only; otherwise let judgment be entered for the plaintiff against the now defendant, Richard Fen, by default. And if, upon the trial of the said issue, the said The Hoboken Land and Improvement Com-

pany shall not confess lease, entry and ouster, and such possession as aforesaid, whereby the plaintiff shall not be able further to prosecute his suit herein against the said The Hoboken Land and Improvement Company, then no costs shall be allowed for not further prosecuting the same, but the said The Hoboken Land and Improvement Company shall pay costs to the plaintiff in that case to be taxed.

"And it is further ordered, that if upon the trial of the said issue a verdict shall be given for the said The Hoboken Land and Improvement Company, or if it shall happen that the plaintiff shall not further prosecute his said suit for any other cause than for not confessing lease, entry and ouster, and such possession as aforesaid, then the lessor of the plaintiff shall pay to the said The Hoboken Land and Improvement Company their costs in that case to be adjudged."

The consent rule in the second entitled case was in the following words:

"It is ordered, by the consent of the attorneys of both parties, that The Hoboken Land and Improvement Company be made defendants in the stead of the now defendant, Richard Fen, and do forthwith appear at the suit of the plaintiff and receive a declaration in an action of trespass and ejectment for the premises in question, which said premises the said The Hoboken Land and Improvement Company hereby admit to be or consist of a lot of land at Hoboken, twenty-five feet in width in front and rear, and one hundred feet on each side in depth, bounded on the east by Garden street, and on the north by First street, on the west by a line parallel to and one hundred feet west of it, and on the north by a line parallel to First street, twenty-five feet north of the same, situate at Hoboken, in the said county of Hudson, and now in the possession and occupation of William Havens, for which they intend as landlords thereof to defend this action of trespass and ejectment.

"And it is further ordered, by the like consent, that the said The Hoboken Land and Improvement Company do forthwith plead thereto not guilty, and upon the trial of the issue confess lease, entry and ouster, and that the said The Hoboken Land and Improvement Company was at the time of the service of the said declaration in possession of the premises hereinbefore mentioned and specified, and insist upon the title only; otherwise let judgment be entered for the plaintiff against the now defendant, Richard Fen, by default. And if, upon the trial of the said issue, the said The Hoboken Land and Improvement Company shall not confess lease, entry and ouster, and such possession as aforesaid, whereby the plaintiff shall not be able further to prosecute his suit herein against the said The Hoboken Land and Improvement Company, then no costs shall be allowed for not further prosecuting the same, but the said The Hoboken Land and Improvement Company shall pay costs to the plaintiff in that case to be taxed.

"And it is further ordered, that if upon the trial of the said issue a verdict shall be given for the said The Hoboken Land and Improvement Company, or if it shall happen that the plaintiff shall not further prosecute his said suit for any other cause than for not confessing lease,

entry and ouster, and such possession as aforesaid, then the lessors of the plaintiff shall pay to the said The Hoboken Land and Improvement Company their costs in that case to be adjudged."

The jury empannelled to try the said cases, having heard the respective proofs and allegations of the parties upon their oath, found in each case the following special verdict:

That the lease, entry and ouster were made, and possession had, as recited in the consent rules.

That Samuel Swartwout, under whom the parties claim, was seized of the premises in question on the tenth day of November, 1838, by virtue of a conveyance to him by Mahlon S. Green and wife, dated February 2, 1835.

That a judgment was entered in the supreme court of New Jersey, an execution issued thereon, levies made thereon and returned by the sheriff of Bergen county, in said State; which judgment, execution, levies and return are as follows:

As yet of the term of February, in the year of our Lord 1839. Witness Joseph C. Hornblower, esquire, chief justice.

ROSSELL, *Clk.*

NEW JERSEY, *ss.*

James B. Murray and John Kayser put in their place Isaac H. Williamson, their attorney, against Samuel Swartwout, in a plea of debt.

NEW JERSEY, *ss.*

James B. Murray and John Keyser, plaintiffs in this suit, by Isaac H. Williamson, their attorney, complain of Samuel Swartwout, the defendant in this suit, being in custody, &c., of a plea that he unto the said James B. Murray and John Keyser the sum of sixty thousand dollars, which he owes to and unjustly detains from them. For that, whereas, the said defendant heretofore, to wit, on the seventh day of April, in the year of our Lord 1836, at Hackensack, in the county of Bergen, by his certain writing obligatory, sealed with his seal and now here shown to this court, the date whereof is a certain day and year above named, to wit, the day and year aforesaid, acknowledged himself to be held and firmly bound unto the said plaintiffs in the sum of sixty thousand dollars, above demanded to be paid to the said plaintiffs; yet the said defendant, although often requested so to do, hath not as yet paid the said sum of sixty thousand dollars above demanded, or any part thereof, to the said plaintiffs, but hath hitherto wholly neglected and refused, and still neglect and refuse, so to do, to the damage of the said plaintiffs of one hundred dollars; and therefore they bring their suit, &c. And now at this day, to wit, the last Tuesday in February, in the year of our Lord 1839, before the justices of the supreme court aforesaid, at Trenton, come the said plaintiffs, by their attorney aforesaid, and the said defendant, although solemnly called, comes not, but makes default, whereby the said plaintiffs remain therein undefended against him.

Wherefore it is considered that the said James B. Murray and John Keyser do recover against the said Samuel Swartwout their said debt, and also twenty-four dollars and twenty six cents for their damages by them sustained, as well by occasion of the detention of that debt as for their costs and charges by them about their suit in this behalf expended, by the court now here adjudged to the said James B. Murray and John Keyser, and with their assent; and the said Samuel, in mercy, &c.

Judgment signed this twenty-sixth day of February, in the year of our Lord 1839. JNO. MOORE WHITE.

NEW JERSEY, *ss.*

The State of New Jersey to our sheriff of our county of Bergen, [SEAL.] greeting:

We command you, that of the goods and chattels of Samuel Swartwout, in your county, you cause to be made a certain debt of sixty thousand dollars, which James B. Murray and John Keyser, lately in our supreme court at Trenton, before the justices of our same court, recovered against him, the said Samuel Swartwout, and also twenty-four dollars and twenty-six cents, which, in our said court, before our justices aforesaid, were adjudged to the said James B. Murray and John Keyser, for their damages which they had sustained, as well by occasion of the detention of that debt as for their costs and charges by them about their suit in this behalf expended, whereof the said Samuel Swartwout is convicted, as appears of record; and if sufficient goods and chattels of the said Samuel Swartwout cannot be found in your county, whereof the debt and damages aforesaid may be made, then we further command you that you cause the whole, or the residue, as the case may require, of the said debt and damages to be made of the lands, tenements, hereditaments and real estate, whereof the said Samuel Swartwout was seized on the seventh day of March, 1839, or at any time afterwards, in whose hands soever the same may be; and that you have those moneys before our justices aforesaid, on the second Tuesday in May next, to render unto the said James B. Murray and John Keyser for their debt and damages aforesaid; and have you then there this writ.

Witness Joseph C. Hornblower, esquire, chief justice at Trenton aforesaid, the last Tuesday in February, in the year of our Lord one thousand eight hundred and thirty-nine. ROSSELL, *Clk.*

NEW JERSEY SUPREME COURT, *Bergen.*

JAMES B. MURRAY AND JOHN KEYSER vs. SAMUEL SWARTWOUT. } In debt—fi. fa. de bon. et tri.

I. H. WILLIAMSON, *Atty.*

Ret'ble May term, 1839.

Levy debt due 7 March, 1839, - - -	$34,248 96
Costs taxed at - - - - - - -	$24 26
	$34,273 22

Interest from 7 March, 1839, till paid.

Recorded in the clerk's office of the supreme court, in Book A 8 of Process, page 365.

ROSSELL, *Clk.*

By virtue of the within execution to me directed, I have levied on the real estate of the defendant on the 10th day of April, 1839, an inventory whereof is hereunto annexed and filed; all of which property remains in my hands for the want of buyers; value one dollar.

JACOB C. TERHUNE,
Sheriff.

NEW JERSEY SUPREME COURT, *Bergen.*

JAMES B. MURRAY AND JOHN KEYSER vs. SAMUEL SWARTWOUT. } In case—fi. fa. de bonis et terris.

By virtue of the above stated writ of fieri facias to me directed, I have levied on all the real estate of Samuel Swartwout, the defendant, in the county of Bergen, hereinafter described; that is to say:

All that certain farm or lots of land and premises, situate in the township of Lodi, between the rivers Passaic and Hackensack, commonly called Swartwout's meadows, said to contain four hundred and ten acres, more or less.

All that tract of land and premises at Weehawken, in the township and county of Bergen, being a water-lot purchased by Samuel Swartwout of Wm. C. H. Waddell and others.

All that tract of land and premises at Hoboken, in the township and county of Bergen, purchased by Samuel Swartwout from Mahlon P. Green and wife, and recorded in the clerk's office of Bergen county, containing six acres, 3 roods and 36 poles.

All that certain tract of land and premises commonly called the Hoboken meadows, in the township and county of Bergen, which was quit-claimed by Samuel Storm to Samuel Swartwout, as per deed dated January 13th, 1836, and recorded the first day of March, 1836.

All that tract of land and premises in the township and county of Bergen, situated at West Hoboken, purchased by Samuel Swartwout from Cyrus S. Browning and wife, by deed bearing date *the* March 16th, 1837. All that tract of land and premises situate at West Hoboken, in the township and county of Bergen, described in a deed from George B. Inniss to Samuel Swartwout, dated October 22, 1836, and recorded 5th day of November, 1836.

All that tract of land and premises situate in the township and county of Bergen, at West Hoboken, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated May 1st, 1835, and recorded September 14th, 1835.

All that certain tract of land and premises at West Hoboken, in the township and county of Bergen, conveyed by Samuel Cassedy & Abel J. Smith, trustees of Anna Hornblower, dec'd, to Samuel Swartwout, by deed bearing date the first day of May, 1835.

All that tract of land at Hoboken, in the township and county of Bergen, conveyed by John Stevens and wife to John, Robert, and Samuel Swartwout, by deed bearing date *the* July 17, 1815, and subsequently conveyed by John and Robert Swartwout to Samuel Swartwout, by deed dated November 28, 1821.

Recorded December 4, 1821.

Dated April 10, 1839.

JACOB C. TERHUNE, *Sheriff.*

All which we have by these presents caused to be exemplified, and the seal of our said supreme court to be hereto affixed.

In testimony whereof, I, William M. Force, clerk of said court, have hereunto set my hand at Trenton, this 22d day of November, in the year of our Lord 1853.

WM. M. FORCE, *Clk.*

STATE OF NEW JERSEY, *ss:*

I, Henry W. Green, chief justice of the supreme court of the State of New Jersey, in conformity to the laws of the United States of America in such case made and provided, do hereby certify, that on the 22d day of November instant, William M. Force was and still is the clerk of said supreme court. That the attestation of said clerk to the foregoing record is the attestation of said clerk, and the signature "Wm. M. Force, Clk." is his genuine signature. That the seal thereto affixed is the seal of said supreme court, and that the said attestation is in due form.

Witness my hand this 22d day of November, A. D. 1853.

HENRY W. GREEN.

I, William M. Force, clerk of the supreme court of the State of New Jersey, do hereby certify, that the honorable Henry W. Green, whose name is affixed to the foregoing certificate, is now, and was at the time of signing thereof, chief justice of said court, and that the signature "Henry W. Green" is in the proper handwriting of said chief justice.

Dated 22d day of November, A. D. 1853.

WM. M. FORCE, *Clk.*

That Jacob C. Terhune, sheriff of the county of Bergen, by virtue of said execution, sold the property levied upon, and gave to the lessors of the plaintiff a deed acknowledged and recorded as certified thereon, which deed and certificates are as follows:

"To all to whom these presents shall come or concern: I, Jacob C. Terhune, esquire, sheriff of the county of Bergen, in the State of New Jersey, send greeting: Whereas, James B. Murray and John Keyser, lately in the supreme court of judicature of the State of New Jersey, held at Trenton, to wit, in the term of February, in the year of our Lord one thousand eight hundred and thirty-nine, did recover, by the judgment of the same court, against Samuel Swartwout, the sum of sixty thousand dollars of debt, and also twenty-four dollars and twenty-

six cents for their damages which they had sustained, as well by occasion of the detention of that debt as for their costs and charges by them about their suit in that behalf expended. And whereas, afterwards, a certain writ of fieri facias issued out of and under the seal of the said court, founded on the said judgment, to me directed and delivered, in the words and letters following, to wit: 'New Jersey, ss: The State of New Jersey to our sheriff of our county of Bergen, (seal,) greeting: We command you that of the goods and chattels of Samuel Swartwout, in your county, you cause to be made a certain debt of sixty thousand dollars, which James B. Murray and John Keyser, lately in our supreme court at Trenton, before the justices of our same court, recovered against him the said Samuel Swartwout, and also twenty-four dollars and twenty-six cents, which in our said court, before our justices aforesaid, were adjudged to the said James B. Murray & John Keyser for their damages which they had sustained, as well by occasion of the detention of the debt as for their costs and charges by them about their suit in this behalf expended, whereof the said Samuel Swartwout is convicted, as appears of record; and if sufficient goods and chattels of the said Samuel Swartwout cannot be found in your county, whereof the debt and damages aforesaid may be made, then we further command you, that you cause the whole, or the residue, as the case may require, of the said debt and damages to be made of the lands, tenements, hereditaments, and real estate, whereof the said Samuel Swartwout was seized on the 7th day of March, eighteen hundred and thirty-nine, or at any time afterwards, in whose hands soever the same may be, and that you have those moneys before our justices aforesaid, at Trenton aforesaid, on the second Tuesday *in* next, to render unto the said James B. Murray and John Keyser for their debt and damages aforesaid; and have you then there this writ. Witness Joseph C. Hornblower, esq., chief justice at Trenton aforesaid, the last Tuesday in February, in the year of our Lord one thousand eight hundred and thirty-nine." Which said writ of fieri facias was duly recorded in the clerk's office of the said supreme court, in Book A 8 of Process, page 365, pursuant to the act of the legislature, relation being unto the said writ duly returned and affiled in the said clerk's office, or the said record thereof had, may more fully appear; the said writ before the service or execution thereof was subscribed with the name of the attorney and clerk, by whom the same was sued forth and sealed.

And whereas, by virtue of the said writ, after the same came to my hands, and before the return thereof, for want of goods and chattels of the said Samuel Swartwout in my county, I did, besides other property, seize, take, and levy on all the right, title, interest, property, claim, and demand of the said Samuel Swartwout, of, in, and to all those six tracts or parcels of land and premises hereinafter described, as follows, that is to say: First. All that certain farm, or lots of land and premises situate in the township of Lodi, in the county of Bergen, and State of New Jersey, lying between the rivers Passaic & Hackensack, and commonly called "Swartwout's meadows;" bounded on the

west by lands of Israel Foote; west and southerly by the Passaic river; south by the Newark bay; easterly by lands of Anthony Dey, esq, and others; on the north principally by the Newark bridge road; said to contain four hundred and ten acres, more or less. Second. All that tract of land and premises at Weehawken, in the township and county of Bergen, being a water-lot purchased by Samuel Swartwout of William C. H. Waddell, Archer Gifford, and Francis W. Brinley, bounded by lands of persons to me unknown. Third. All that certain tract of land and premises at Hoboken, in the township and county of Bergen, which was purchased by Samuel Swartwout of Mahlon P. Green and wife, as per deed dated February 2d, 1835, and recorded on the 18th day of February, 1835, in Liber N, No. 3 of Deeds for Bergen county, pages 103, 104, 105, for six acres, three roods, and 36 poles. Said tract is bounded northerly by lands of John J. Benson and C. S. Watkins; easterly by lands of the heirs of John Stevens, deceased; southerly by the Bergen road; and westerly by the eastern line of the Hoboken meadow property. Fourth. All that certain tract of land and premises commonly called the "Hoboken meadows" in the township and county of Bergen, which was quit-claimed by Samuel Storm to Samuel Swartwout, as per deed dated the thirteenth day of January, A. D. 1836, and recorded the first day of March, 1836, in Liber Q, No. 3 of Deeds for Bergen county, pages 443, 444, and 445, for 333 acres, more or less. Said tract is bounded northerly by Weehawken cove; northeasterly and easterly by land of the heirs of John Stevens, deceased; southeasterly by other lands of Samuel Swartwout, and lands of the heirs of John Stevens; southwesterly by lands of Henry Traphagen, and heirs of John Van Vorst; westerly by lands of the heirs of John Stevens; and northwesterly by land of the heirs of Charles Loss, deceased. Fifth. All that certain tract of land and premises in the township and county of Bergen, situated at West Hoboken, purchased by Samuel Swartwout, as will more fully appear by a deed of Cyrus S. Browning and wife to said Swartwout, dated March 16th, 1837, and recorded April 12th, 1837, in Liber V 3 of Deeds for Bergen county, pages 355, 356, and 357, for seventy hundredths of an acre. Said lot is bounded on the north and south by other lands of Samuel Swartwout; on the east by the lands of the heirs of John Stevens, deceased, and west by Palisade avenue. And, sixth. All that certain tract of land and premises in the township and county of Bergen described in a certain deed from George B. Innis to Samuel Swartwout, bearing date October 22d, 1836, and recorded the fifth day of November, 1836, in Liber T 3 of Deeds for Bergen county, pages 460, 461, 462, and 463, for seven acres and three hundredths. Said tract is bounded north by land of the heirs of John Stevens, and other lands of said Swartwout; easterly by land of the heirs of John Stevens; southerly by land of the heirs of John Van Vorst, deceased, and westerly by Palisade avenue; reference being had to the deeds of the said Samuel Swartwout for the said several tracts of land and premises, or the record thereof, will more fully appear.

And whereas, I did, pursuant to the acts of the legislature in such

case made and provided, give notice by advertisements signed by me as sheriff of the county of Bergen, and put up in five of the most public places in the said county, one of which said notices was put up in each of the townships where the said lands are situated, giving notice that I would, on the thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine, between the hours of twelve and five o'clock in the afternoon of said day, expose to sale the lands and premises aforesaid, at John Buck's hotel, in Jersey City, which notices were duly put up at least two months prior to the day of sale. And which notice was also published in the "Jersey City Advertiser and Bergen Republican," a newspaper printed and published at Jersey City, in this State, and circulating most generally in the neighborhood of the said lands and premises, for at least four weeks successively, once a week, next preceding the said time appointed for the said sale; at which time and place I did put up and expose to sale the said tracts of land and premises aforesaid, at public vendue and outcry. And thereupon, James B. Murray and John Keyser, by William P. Rathbone, their agent for that purpose, did bid, for the first above mentioned tract of land and premises, the sum of ten dollars, and no person bidding more, the same was by me in due manner openly cried off and sold to the said James B. Murray and John Keyser. And the said James B. Murray and John Keyser, by their agent aforesaid, did then and there bid, for the second above mentioned and described tract of land and premises, the sum of ten dollars, and no person bidding more, the same was by me in due manner openly cried off and sold to the said James B. Murray and John Keyser. And the said James B. Murray and John Keyser, by their agent aforesaid, did then and there bid for the third above mentioned and described tract of land and premises, the sum of ten dollars, and no person bidding more, the same was by me in due manner openly cried off and sold to the said James B. Murray and John Keyser. And the said James B. Murray and John Keyser, by their agent aforesaid, did then and there bid, for the fourth above mentioned and described tract of land and premises, the sum of ten dollars, and no person bidding more, the same was by me in due manner openly cried off and sold to the said James B. Murray and John Keyser. And the said James B. Murray and John Keyser, by their agent aforesaid, did then and there bid, for the fifth above described tract of land and premises, the sum of ten dollars, and no person bidding more, the same was by me in due manner openly cried off and sold to the said James B. Murray and John Keyser. And the said James B. Murray and John Keyser, by their agent aforesaid, did then and there bid, for the sixth and last above mentioned and described tract of land and premises, the sum of fifty-one dollars, and no person bidding more, the same was by me in due manner openly cried off and sold to the said James B. Murray and John Kayser.

Wherefore, know ye, that I, the said Jacob C. Terhune, sheriff as aforesaid, in execution of the power and trust in me reposed, and for and in consideration of the sum of one hundred and one dollars to me

in hand paid by the said James B. Murray and John Keyser, the receipt whereof I do hereby acknowledge, and thereof do exonerate, acquit, and discharge the said James B. Murray and John Keyser, their heirs and assigns forever by these presents, have granted, bargained, sold, assured, conveyed, and confirmed, and by these presents do grant, bargain, sell, assure, convey, and confirm, unto the said James B. Murray and John Keyser, their heirs and assigns forever, the above mentioned and described tracts of land and premises, together with all and singular the privileges, hereditaments, and appurtenances to the same or any part thereof belonging, or in any wise appertaining. And also all the estate, right, title, interest, property, claim, and demand whatsoever of him, the said Samuel Swartwout, of, in, and to the same, and every part thereof: To have and to hold all and singular the above granted and bargained premises, with the appurtenances, unto the said James B. Murray and John Keyser, their heirs and assigns, to the only proper use, benefit, and behoof of them, the said James B. Murray and John Keyser, their heirs and assigns forever, in as full and ample a manner as I can sell, grant, and convey the same as such sheriff as aforesaid, and by virtue of the power and authority aforesaid, subject, nevertheless, to all prior legal encumbrances, charges, arrearages, conditions, and limitations. And I, the said Jacob C. Terhune, for myself, my heirs, executors, and administrators, do hereby covenant and agree, to and with the said James B. Murray and John Keyser, their heirs and assigns, that I have not done or suffered, or caused to be done any act, matter, or thing whatsoever, whereby the said above granted and bargained premises, or any part thereof, are or may be changed, charged, or encumbered in estate, title, or otherwise howsoever.

In witness whereof I have hereunto set my hand and seal, this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

JACOB C. TERHUNE, [L. S.]
Sheriff.

Signed, sealed, and delivered in the presence of—
ABR. WESTERVELT.

NEW JERSEY, *ss.*

I, Abraham Westervelt, one of the masters in chancery of the State of New Jersey, do hereby certify, that on this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and thirty-nine, before me, personally appeared Jacob C. Terhune, esquire, sheriff of the county of Bergen, in said State, who is, I am satisfied, the grantor in the foregoing deed named, and to whom I first made known the contents thereof, and he thereupon acknowledged that he had signed, sealed, and delivered the same as his voluntary act and deed.

ABR. WESTERVELT,
Master in Chancery.

Received in the clerk's office of the county of Bergen, the 14th day of August, A. D. 1839, and recorded in Liber A 4 of Deeds, pages 272, 273, 274, 275, 276, and 277.

SAMUEL H. BERRY, *Clerk.*

That the value of the premises in dispute in this cause exceeds three thousand dollars.

That Samuel Swartwout was collector of customs of the United States for the port of New York on the 29th of March, 1838, and had been for eight years next preceding.

That on the tenth of November, 1838, the account of said Samuel Swartwout, as such collector, with the United States, was audited by the First Auditor and certified by the First Comptroller of the Treasury.

Which account and certificate are as follows:

No. 811. TREASURY DEPARTMENT,
First Auditor's Office, Nov. 10, 1838.

I have examined and adjusted the accounts of Samuel Swartwout, late collector of the customs for the district of New York, in the State of New York, commencing January first, and ending March 28th, 1838, and find that he is chargeable with the following sums, viz.:

To balance of his accounts ending 31st Dec., 1837, for report No. 554		$9,678,984 56
duties on merchandise to March 28, 1838		2,212,132 71
duties on tonnage		189 34
light money received		124 25
interest received on bonds		44,103 65
do. do. woollens		2,219 91
net proceeds of unclaimed merchandise		2,307 07
costs of suit recovered		306 90
Amount of the following warrants on Treasury, viz.:		
No. 7542, dated January 16, 1838	$15,900	
7549, " 18, "	40,000	
7818, dated March 20, "	30,000	
		85,900 00
		$12,026,268 39
I also find he is entitled to the following credits, viz.:		
By payment of inspectors to March 28, 1838		$69,991 75
contingent expenses		6,139 57
debentures paid		112,767 83
drawback on domestic refined sugar		616 75
do. distilled spirits		57 44
bounty on pickled fish exported		20 00
disbursements for revenue cutter		6,739 11

By disbursements for revenue boats - - -		$2,482 22
do. in relation to appraisement - -		17,125 70
duties on merchandise refunded - - -		71,889 99
do. wines do. - - -		53 10
do. railroad iron do. - - -		21 86
amount on bonds for duties on railroad iron cancelled - - - - -	$28,031 22	
amount suspended in 3d qr., 1837, for want of receipts, now found	122,643 40	
		150,674 62
amount of costs of suits taxed by the courts -		16,509 35
discounts allowed for prompt payment of duties -		887 44
Amount of uncollected bonds and cash transferred to Jesse Hoyt, his successor in office, for which said Hoyt is to be debited and held responsible per his receipts, viz.:		
Ordinary bonds per list A, not due per receipt, 29th March, 1838 -	$1,934,415 16	
Extended bond, B, do. -	2,905,458 97	
Renewed bonds under fire law, C	927,926 30	
Extended railroad bonds, D -	260,278 80	
Bonds in suit, E - - - -	2,302,525 63	
General bonds, wines and spirits, F	17,306 90	
	$8,347,911 76	
Cash per receipt, dated 29th March, 1838 - - $15,000 00		
Cash at sundry times p. receipts and abstracts 8,229 94		
	23,229 94	
		8,371,141 70
Amount received of duties on merchandise, together with costs decided by the court to have been illegally exacted, refunded by order from the Comptroller, viz.:		
Amount of duties - - - -	$7,706 97	
costs - - - -	638 77	
		8,345 74
Amount paid the following collectors, per orders of the Comptroller, for which they have been respectively debited, viz.:		
Andrew Muels, of Detroit, per report No. 377 - - - - -	$2,000 00	
Thomas Loomis, of Sackett's Harbor, per report No. 372 - - - - -	500 00	
John S. Osborn, of Sag Harbor, per report No. 432 - - - - -	1,300 00	

Seymore Scovill, of Niagara, per report No. 458	$1,000 00	
Geo. W. Charles, of Cambden, per report No. 621	390 00	
Jn. Carrisi, of Cape Vincent, per report No. 508	1,300 00	
Abr'm Windall, of Michilimackinac, per report No. 459	877 00	
Elias H. Haines, of Sandusky, per report No. 541	338 30	
Do. do. being part of the amount paid per order of Comptroller, 22d Feb'ry, 1838, for which said Haines's bill will be debited	50 00	
		$7,755 30
Amount of the following warrants in favor of the Treasurer, viz.:		
No. 4193, dated March 31, 1838	$2,270 26	
4204, " " "	50,635 65	
4824, " June 30, "	4,110 77	
4325, " " "	5,185 61	
4326, " " "	1,836 07	
4353, " " "	150 00	
4354, " " "	2,966 24	
4355, " " "	1,108 12	
4356, " " "	98 56	
4357, " " "	100 00	
4380, " July 6, "	1,789,084 60	
4390, " 26, "	265 98	
4391, " " "	915 12	
4392, " " "	6,543 05	
		1,865,270 03
Commissions on $2,195,545 51, $\frac{1}{8}$ of 1 per cent.		3,659 24
And that the balance due to the United States on the 29th day of March, 1838, amounted to		1,374,119 65
		$12,026,268 39

As will appear from the statements and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

S'd, J. MILLER, *First Auditor.*

To JAMES N. BARKER, esq., *Comptroller of the Treasury.*

TREASURY DEPARTMENT,
First Comptroller's Office, Nov. 10, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller.*

To T. L. SMITH, esq., *Register of the Treasury.*

TREASURY DEPARTMENT,
Register's Office, Nov. 10, 1838.

Pursuant to the act of Congress of March 3d, 1797, entitled an act to provide more effectually for the settlement of accounts between the United States and receivers of public moneys, I, Thomas L. Smith, register of the Treasury Department, do hereby certify, that the aforegoing is a true transcript from the books and proceedings of the Treasury.

(S'd) T. L. SMITH, *Register.*

Be it remembered, that Thomas L. Smith, esquire, who certified the aforegoing transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the [SEAL.] city of Washington, this tenth day of November, in the year of our Lord 1838.

(S'd) LEVI WOODBURY,
Secretary of the Treasury.

That a distress warrant was thereupon issued to the marshal of New Jersey by the Solicitor of the Treasury upon said account, certified by said first comptroller to said solicitor, and levies made by said marshal, which levies were made and recorded in the office of the clerk of the district court of New Jersey, with said warrant and account at the times respectively in said levies, and the certificates of recording thereon endorsed and stated. Which distress warrant, account, levies, and certificates are in the words following:

"To the Marshal of the United States for the district of New Jersey:

Whereas, Samuel Swartwout, late collector of the revenue for the port of New York, became indebted to the United States in the sum of one million three hundred and seventy-four thousand one hundred and nineteen dollars and sixty-five cents, agreeably to the account truly stated by the accounting officers of the Treasury, and certified by the first comptroller of the Treasury, of which a copy is herewith transmitted. And whereas the sum of thirty thousand dollars has been paid on account of the said debt, so that the sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout. And whereas the said Samuel Swartwout has failed to pay over, according to law, the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents:

These therefore are to command you, in pursuance of the act of Congress entitled "An act providing for the better organization of the Treasury Department," passed on the 15th day of May, 1820, to levy,

take, and sell the estate of the said Samuel Swartwout and of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, the sureties of the said Samuel Swartwout, which may be situate in your district, according to the provisions of the said act. And in executing this warrant, you will, by yourself or deputies, proceed to levy and collect the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remaining due, by distress and sale of the goods and chattels of the said Samuel Swartwout, in the manner prescribed by the said act. And if the said goods and chattels be not sufficient to satisfy this warrant, you will levy the same on the person of the said Samuel Swartwout, and in case he should not satisfy the same, you will commit him to prison, there to remain until discharged by due course of law. And if goods and chattels of the said Samuel Swartwout are not found sufficient to satisfy this warrant, you will proceed to levy and collect the sum of one hundred and fifty thousand dollars, if so much of the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout, by distress and sale of the goods and chattels of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, of the city of New York, who are sureties of the said Samuel Swartwout in the said sum of one hundred and fifty thousand dollars, in the manner prescribed by the same act.

And you are hereby further commanded to cause to be recorded forthwith, in the office of the clerk of the district court of your district, the levy made by virtue hereof upon the lands, tenements, and hereditaments of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, with the date of the said levy.

And you are hereby further commanded, if the goods and chattels of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, are not sufficient to satisfy the same that may remain due, to sell in the manner prescribed by the said act the lands, tenements, and hereditaments of the said Samuel Swartwout, and of the said Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, or so much thereof as may be necessary to satisfy the sum that may remain due: provided, always, that you make by the levy and sale of the lands, tenements, and hereditaments of the said Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, sureties of the said Samuel Swartwout, only such part of the sum of one hundred and fifty thousand dollars before mentioned as shall have remained due after the sale of the goods and chattels of the said Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss. And all moneys that may remain of the proceeds of such sale, after satisfying this warrant, and paying the costs and charges of executing the same, you are hereby required to return to the said Samuel Swartwout, or to his sureties whose property has been sold, as the case may be. And whatever you may do in obedience to

this warrant, you will make return thereof to the office of the Solicitor of the Treasury; and for you so doing, this shall be your sufficient authority.

Given under my hand and seal this twelfth day of November, anno Domini one thousand eight hundred and thirty-eight.

(Signed) H. D. GILPIN, *Solicitor of the Treasury.*

No. 811. TREASURY DEPARTMENT,
First Auditor's Office, November 10th, 1838.

I have examined and adjusted the accounts of Samuel Swartwout, late collector of the customs for the district of New York, in the State of New York, commencing January first, and ending March 28th, 1838, and find that he is chargeable with the following sums, viz.:

To balance of his accounts ending 31st Dec., 1837, for report No. 554		$9,678,984 56
duties on merchandise to March 28, 1838		2,212,132 71
duties on tonnage		189 34
light money received		124 25
interest received on bonds		44,103 65
do. do. woollens		2,219 91
net proceeds of unclaimed merchandise		2,307 07
costs of suit recovered		306 90
Amount of the following warrants on Treasury, viz.:		
No. 7542, dated January 16, 1838	$15,900 00	
7549, " 18, "	40,000 00	
7818, dated March 20, "	30,000 00	
		85,900 00
		$12,026,268 39

I also find he is entitled to the following credits, viz.:

By payment of inspectors to March 28, 1838		$69,991 75
contingent expenses		6,139 57
debentures paid		112,767 83
drawback on domestic refined sugar		616 75
do. distilled spirits		57 44
bounty on pickled fish exported		20 00
disbursements for revenue cutter		6,739 11
do. do. boats		2,482 22
do. in relation to appraisement		17,125 70
duties on merchandise refunded		71,889 99
do. wines		53 10
do. railroad iron		21 86
amount of bonds for duties on railroad iron cancelled	$28,031 22	
amount suspended in 3d qr., 1837, for want of receipts, now found	122,643 40	150,674 62

By amount of costs of suits taxed by the courts -		$16,509 35
discounts allowed for prompt payment of duties -		887 44
By amount of uncollected bonds and cash transferred to Jesse Hoyt, his successor in office, for which said Hoyt is to be debited and held responsible per his receipts, viz.:		
Ordinary bonds per list A, not due per receipt, 29th March, 1838 -	$1,934,415 16	
Extended bonds, per list B, -	2,905,458 97	
Renewed bonds under fire law, C -	927,926 30	
Extended railroad bonds, D - -	260,278 80	
Bonds in suit, E - - - - -	2,302,525 63	
General bonds, wines and spirits, F	17,306 90	
	$8,347,911 76	
Cash per receipt, dated 29th March, 1838 - - $15,000 00		
Cash at sundry times, p. receipts and abstracts 8,229 94		
	23,229 94	
		8,371,141 70
Amount received of duties on merchandise, together with costs, decided by the court to have been illegally exacted, refunded by order from the Comptroller, viz.:		
Amount of duties - - - - -	$7,706 97	
costs - - - - -	638 77	
		8,345 74
Amount paid the following collectors, per orders of the Comptroller, for which they have been respectively debited, viz.:		
Andrew Much, of Detroit, per report No. 377 - - - - - - -	$2,000 00	
Thomas Loomis, of Sackett's Harbor, per report No. 372 - - - - - -	500 00	
John S. Osborn, of Sag Harbor, per report No. 432 - - - - - -	1,300 00	
Seymore Scovill, of Niagara, per report No. 458 - - - - - - -	1,000 00	
George W. Charles, of Cambden, per report No. 621 - - - - - -	390 00	
Jn. Carrisi, of Cape Vincent, per report No. 508 - - - - - - -	1,300 00	
Abraham Windall, of Michilimackinac, per report No. 459 - - - - -	877 00	
Elias H. Haines, of Sandusky, per report No. 541 - - - - - - -	338 30	

Elias H. Haines, being part of the amount paid per order of the Comptroller, 22d Feb., 1838, for which said Haines's bill will be debited - - - - -	$30 00	
		$7,755 30
Amount of the following warrants in favor of the Treasurer, viz.:		
No. 4193, dated March 31, 1838 - -	$2,270 26	
4204, " " " - -	50,635 65	
4824, " June 30, " - -	4,110 77	
4325, " " " - -	5,185 65	
4326, " " " - -	1,836 07	
4353, " " " - -	150 00	
4354, " " " - -	2,966 24	
4355, " " " - -	1,108 12	
4356, " " " - -	98 56	
4357, " " " - -	100 00	
4380, " July 6, " -	1,789,084 60	
4390, " 26, " - -	265 98	
4391, " " " - -	915 12	
4392, " " " - -	6,543 05	
		1,865,270 03
Commissions on $2,195,545 51, $\frac{1}{6}$ of 1 per cent. -		3,659 24
And that the balance due to the United States on the 29th day of March, 1838, amounted to - -		1,374,119 65
		$12,026,268 39

As will appear from the statements and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

(Signed) J. MILLER, *First Auditor.*

To JAMES N. BARKER, esqr.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
First Comptroller's Office, Nov. 10, 1838.

Admitted and certified.

J. N. BARKER, *Comptroller.*

To T. L. SMITH, esq.,
Register of the Treasury.

TREASURY DEPARTMENT,
Register's Office, Nov. 10, 1838.

Pursuant to the act of Congress of March 3d, 1797, entitled "An act to provide more effectually for the settlement of accounts between the United States and receivers of public moneys," I, Thomas L. Smith,

register of the Treasury Department, do hereby certify, that the aforegoing is a true transcript from the books and proceedings of the Treasury.

(Signed) T. L. SMITH, *Register.*

Be it remembered, that Thomas L. Smith, esquire, who certified the aforegoing transcript, is now, and was at the time of doing so, register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this department, at the city of [SEAL.] Washington, this tenth day of November, in the year of our Lord 1838.

(Signed) LEVI WOODBURY,
Secretary of the Treasury.

Received in my office on the 14th day of November, in the year 1838, at twelve o'clock noon.

(S'd) JOHN S. DARCY.
Marshal.

The execution of this warrant or writ will appear by the levy hereunto annexed, signed by me, and bearing date the 14th day of November, 1838.

(S'd) JOHN S. DARCY.
Marshal.

On the fourteenth day of November, A. D. 1838, I levied on the following tracts or parcels of land and premises, situate, lying and being in the township of Lodi and Bergen, in the county of Bergen, and State of New Jersey, viz: All that tract of land and premises in the township of Bergen described in the following deed:

Josiah Hornblower to Samuel Swartwout.

Deed dated the 1st day of May, A. D. 1835, and recorded the 14th day of September, A. D. 1835, in Liber P 3 of Deeds for Bergen county, pages 295, 296, and 297, for 15 acres and $\frac{27}{100}$.

Also, all that tract of land and premises in the township of Bergen described in the following deed:

Cyrus S. Browning and wife to Samuel Swartwout.

Deed dated March 16th, 1837, and recorded April 12th, 1837, in Liber V 3 of Deeds for Bergen county, pages 355, 356, and 357, for $\frac{70}{100}$ of an acre.

Also, all that tract of land and premises in the township of Bergen described in the following deed, viz.:

George B. Inniss to Samuel Swartwout.

Deed dated 22d day of October, 1836, and recorded the first day of November, 1836, in Lib. S 3 of Deeds for Bergen county, pages 460, 461, 462, and 463, for seven acres $\frac{3}{100}$.

Also, all that tract of land in the township of Bergen described or referred to in a certain release or quit-claim, from Samuel Storm to Samuel Swartwout, dated the 13th day of January, 1836, and recorded the first day of March, 1836, Liber Q 3 of Deeds for Bergen county, pages 443, 444, and 445, for 333 acres, more or less, known as the Hoboken meadows.

Also, all that tract of land and premises in the township of Bergen described in the following deed, viz.:

Mahlon P. Green and wife to Samuel Swartwout.

Deed dated the 2d day of February, 1835, and recorded the 18th day of February, 1835, in Liber N 3 of Deeds for Bergen county, pages 103, 104, and 105, for six acres, three roods and thirty-six poles.

Also, all that tract of land and premises in the township of Bergen described in the following deed, viz.:

Anthony Day and wife to Samuel Swartwout.

Deed dated the 30th day of April, 1825, and recorded the 5th day of July, 1825, in Liber V 2 of Deeds for Bergen county, pages 489, 490, 491, and 492, for 132 acres and $\frac{1}{2}$.

Also, all that tract of land and premises in the township of Bergen described in the following deed, viz.:

John Stevens and wife to Samuel Swartwout and others.

Deed dated the 17th July, 1815, and recorded the 20th day of July, 1815, in Lib. L 2 of Deeds for Bergen county, pages 359 and 360, for two acres and $\frac{42}{100}$.

Also, all that tract of land and premises in the township of Bergen, at Weehawken, being a rated lot of about nineteen acres, purchased by Samuel Swartwout of Wm. C. H. Waddell, Archer Gifford, and Francis W. Brinly, bounded by lands of persons to me unknown.

Also, all those tracts or parcels of land and premises in the township of Lodi, in the county of Bergen, and State aforesaid, situate, lying and being in what is commonly called the Hackensack meadows, purchased in parcels at different times by Samuel Swartwout of Nathaniel Crane, Stephen Fordham, Richard Vamifer, Cornelius Vamifer, David Corey, Thomas Vanbelson, Martin Winne, Peter Henry Winne, Aaron Quimby, —— Quimby, Caleb Smith, Ezra Gildersleve, John Quimby, Jacob G. Outwater, William Halsey, and others. These whole tracts or parcels of land lay between the rivers Passaic and Hackensack, and are bounded in part by those rivers and the Newark Bay. The New Jersey Railroad and Morris Canal passes through those premises. They are also bounded by lands of Anthony Day, Mr. Foot, and others

to me unknown, and contain 333 acres, more or less, and are known as Swartwout's Hackensack meadows.

I have also levied on all the right, title, and interest of Samuel Swartwout in the Morris Canal and Banking Company, and on all the shares of stock in said company owned by him, the said Samuel Swartwout.

I have also levied on all the lands, tenements, hereditaments, with the appurtenances thereunto belonging, as above described, as well as all others belonging to the said Samuel Swartwout, wheresoever located in the district of New Jersey. The above levy is made subject to all prior legal claims and demands; value one dollar.

(S'd) JOHN S. DARCY,
Marshal for the district of New Jersey.

Endorsed:

Recorded in Book A of Executions, pages 18, 19, 20, 21, 22, 23, 24, 25, and 26, in the clerk's office of the district court of the United States for the district of New Jersey, November 15, 1838.

(S'd) ROB'T D. SPENCER, *Clk.*

The services of this writ will appear by levies and inventories hereunto annexed.

(S'd) JOHN S. DARCY,
Marshal.

THE UNITED STATES
vs.
SAMUEL SWARTWOUT and al. } Distress warrant, &c.

By virtue of the above stated writ, I have, this second day of February, A. D. 1839, levied on the following tracts of land and premises, situate, lying and being in the city of Newark, in the county of Essex, and State of New Jersey, which levy is supplementary to and in addition to my former levies made under the above stated writ on the fourteenth day of November, A. D. 1838, particulars of which are herein contained, in inventory above annexed. I have also, this second day of February, A. D. eighteen hundred and thirty-nine, by virtue of the aforesaid writ to me directed, levied on all the estate, right, title, claim, interest, and demand in law or equity of the aforesaid Samuel Swartwout, of, in, and to the land and premises hereinafter mentioned and described, as follows, in sundry deeds to Henry Yates, as follows, as taken from the records of deeds in and for the said county of Essex, viz.:

John S. Jackson and wife to Henry Yates.

Deed dated October, 1834, S 3 of Deeds, p. 452, &c.

All those four lots, (Nos. 13, 14, 17, 18,) tracts or parcels of land and premises hereinafter particularly described, situate, lying and being in the township of Newark, in the county of Essex, and State of New Jersey. Lots Nos. 13 and 14 are described as follows: Beginning at the northeasterly corner of said lot numbered 13, 360 feet W. of the property of Christopher Van Emburg, and from said corner running

N. 17 deg. E. to Passaic river; thence along said river, as the same runs, to the W. line of said lot numbered 14; thence S. 17 deg. W. to a street called Jersey street; thence along said street, S. 83 deg. E. 60 feet, to the beginning corner. Lots No. 17 and 18 are described as follows: Beginning at the S. easterly of lot No. 17, 60 feet W. of aforesaid lot No. 14; and thence running N. 17 deg. E. to Passaic river; thence along the same, as the same runs, to the west line of the said lot No. 18; thence S. 17 deg. W. to said Jersey street; thence south, 83 deg. E. 60 feet, to the beginning. Said four lots aforesaid being 30 feet each on Jersey street, and running to the river. All of which lots are part of the property of Caleb Wheeler, dec'd, on the margin of the Passaic river, and are marked and designated on a map thereof, filed in the clerk's office of the county of Essex, and were conveyed to the party of the first part, by Andrew Alling and wife, by deed recorded in Book Q 3 of Deeds for said county, in pages 482, 483, and 484.

Ashbel W. Corey and wife to Henry Yates.

Deed dated 5th November, 1834, S 3 of Deeds, p. 453, &c.

All that lot of land, parcel of the land formerly of Caleb Wheeler, dec'd, and conveyed to said Ashbel W. Corey, by deed from Prudden Alling and wife, dated on or about the 31st of March, 1834, and marked and designated on a map of said property filed in the office of the clerk of said county of Essex, as lot numbered 16, on the bank or shore of the Passaic river, in the township of Newark aforesaid; beginning at the south corner of said lot, 450 feet W. of land of Christopher Van Emburg; and from thence running N. seven degrees E. to said river; thence along the same, the courses thereof, to the W. line of the lot, 30 feet, more or less; thence S. 7 deg. W. to the road; thence along the same, S. 83 deg. 30 feet, to the beginning. Also lot marked and described on said map as number 40, and conveyed as aforesaid; beginning at the corner of the lot, 220 feet W. of the line on the intersection of Jersey street and Front street, and from said course running N. 60 degrees W. 30 feet; thence south, 30 deg. W. 61 feet; thence S. 7½ deg. W. 61 feet, to said Front street; thence S. 82½ deg. E. 30 feet; thence N. 7½ deg. E. 55 feet 7 in.; thence N. 30 deg. E. 55 feet 7 inches, to the beginning. Also, three adjoining lots, being part of the property aforesaid, and were conveyed as aforesaid, and are marked and described on the map aforesaid as lots numbered 65, 66, and 67; beginning at the S. corner of said lot 65, 120 feet S. easterly from the N. line of said property, which was of Caleb Wheeler, dec'd, and from said corner running N. 30 deg. E. 100 feet; thence N. 60 deg. W. along the rear of said lots 65, 66, and 67, 90 feet; thence S. 30 deg. W. 100 feet, to the northerly side of Front street; thence S. 60 deg. E. along the said 3 lots, 90 feet, to the beginning corner.

John H. Pounder and wife to Henry Yates.

Deed dated 5 November, 1834, S 3 of Deeds, fo. 455, &c.

All that lot, tract, parcel of land and premises hereinafter particularly described, situate, lying and being in the township of Newark, in the county of Essex, and State of New Jersey: Beginning at the W. corner of said lot, being on the corner of Front street and the street in passage-way along the canal basin, and being in the westermost line of the property, formerly of Caleb Wheeler, dec'd, and from said corner running N. 30 deg. E. 100 feet; thence S. 60 deg. E. 30 feet; thence S. 30 deg. W. 100 feet, to Front street; thence along the same N. 60 deg. W. 30 feet, to the beginning corner; said lot is part of the property of the said Caleb Wheeler, deceased, and is marked and designated on a map thereof, now filed in the office of the clerk of said county of Essex as lot numbered 68, and was conveyed to the said John H. Pounder, by deed from Prudden Alling and wife, bearing date the 31st day of March, A. D. 1834.

William Stevens and wife to Henry Yates.

Deed dated 5 November, 1834, in S 3, fol. 457, &c.

All those two several lots of land and premises, situate, lying and being on the bank or shore of Passaic river, in the township of Newark, being part of the property, formerly of Caleb Wheeler, dec'd, and were conveyed to the said William Stevens by Prudden Alling and wife, by deed dated the 31st day of March, A. D. 1834. Said lots are marked and described on a map of said property, filed in the office of the clerk of the said county of Essex, as lots numbered 11, and 12, being adjoining lots; that is to say: Beginning at the S. corner of said lot numbered 11, 300 feet W. of the land of Christopher Van Emburg, and from said corner running N. 7 deg. E. to Passaic river; thence along said river, the courses thereof, to the westerly line of said lot numbered 12; thence along the same, S. 7 deg. W. to the road; *thence along the same, S. 7 deg. W. to the road;* thence along the same, S. 83 deg. E. 60 feet, to the beginning. Also all that lot of land, being part of the property before mentioned, and marked and designated on the map aforesaid as lot No. 41, on the S. side of the street called Jersey street, and conveyed to the said William Stevens as aforesaid; beginning at the easterly corner of said lot, 190 feet W. of the line on the intersection of said Jersey street and the river road called Front street, and from said corner running N. 60 deg. W. 30 feet; thence S. 30 deg. W. 55 feet 7 inches; thence again S. 7½ deg. W. 55 feet 7 inches, to said Front street; thence along said street, S. 82½ degrees E. 30 feet; thence N. 7½ deg. E. 50 feet 2 inches; thence N. 30 deg. E. 50 feet 2 inches, to the beginning corner.

Pruden Alling and wife to Henry Yates.

Deed dated 14 Nov'r, 1834; S 3 of Deeds, page 459, &c.

All those lots of land, being part of the property formerly of Caleb Wheeler, dec'd, in Newark, upon the shore or bank of Passaic river, and are marked and designated on a map of said property, filed in the clerk's office of Essex county, as lots numbered 1, 2, 3 and 4, being adjoining lots; beginning at the southerly corner of said lot numbered one, which is in the W. line of land of Christopher Van Emberg, and from said corner running N. 7 deg. E. to said Passaic river; thence along the same, the several courses thereof, to the W. line of said lot numbered four; thence along said line S. 7 deg. W. to the river road; thence along said road S. 83 deg. E. 120 feet, to the beginning corner. Also lot No. 15 on said map, being part of the property aforesaid, beginning at the southerly corner of said lot, 300 feet W. of the W. line of said lot numbered four, and from said corner running N. 7 deg. E. to the river; thence along the same, the several courses thereof, 30 feet, more or less, to lot numbered 16 on said map; thence S. 7 deg. W. to the road; thence along the same, S. 83 deg. E. 39 feet, to the beginning corner. Also lots numbered 21, 22, and 23, being adjoining lots on said map, and also part of the property aforesaid, beginning at the S. corner of said lot 21, 150 W. of the westerly line of said lot numbered 15, and from said corner running N. 7 deg. E. to said Passaic river; thence along said river, the several courses thereof, to the N. W. line of said lot 23; thence along said line S. 30 deg. W. to Jersey street; thence along the same S. 60 deg. E. 80 feet; thence again S. 83 deg. E. 46 feet, to the beginning. Also those four lots of land, being also part of the property aforesaid, situated on the southerly side of Jersey street, and marked and designated on said map as lots numbered 37, 38, 39, and 40, beginning at the east corner of said lot numbered 37, being on the line of intersection of Jersey and Front streets, and from said corner running N. 60 W. 190 feet, along the southerly side of said Jersey street, to the westerly line of said lot numbered 40; thence S. 30 deg. W. 50 feet 2 inches; thence S. 7½ deg. W. 50 feet 2 inches, to said Front street; thence along the same S. 82½ deg. W. 190 feet, to said line on the intersection of Jersey and Front streets; thence along said line northerly 24 feet, to the beginning. Also those two adjoining lots marked and designated on said map as numbered 57 and 58, beginning at the S. corner of said lot number 57, 280 feet W. of said line of intersection of Jersey and Front streets, and from said corner running N. 7½ deg. E. 66 feet 4 inches; thence N. 72 deg. 15 min. W., to the W. line of said lot No. 58; thence S. 7½ deg. W. 77 feet 2 inches, to said Front street; thence along the same S. 82½ deg. E. 60 feet, to the beginning. Also those three adjoining lots, part also of said property, and marked and designated on said map as lots numbered 62, 63, and 64, beginning at the S. corner of said lot numbered 62, on the S. side of Front street, 90 feet W. of said lot 58, and from said corner running N. 7½ deg. E. 92 feet 4 inches; thence N. 72 deg. 15

min. W., to said lot numbered 63; thence N. 60 deg. W. 60 feet; thence S. 30 deg. W. 100 feet, to said Front street; thence along the same S. 60 deg. E. 84 feet, more or less; thence again S. 82½ deg. E. 44 feet, more or less, to the beginning.

Prudden Alling and wife to Henry Yates.

Deed dated 28 January, 1835, S 3, 461, &c.

All those lots or parcels of land and premises situate in Newark, on the shore or bank of the Passaic river, formerly the property of Caleb Wheeler, dec'd, marked and designated on a map thereof filed in the office of the clerk of said county of Essex as lots numbered five, six, seven, eight, nine, and ten; beginning at the S. corner of said lot numbered 5, 120 feet W. of the west line of the lands of Christopher Van Amburg, and from said corner running N. 7 deg. E. to said Passaic river; thence along the same, the courses thereof, to the west line of said lot numbered 10; thence along said line S. 7 deg. W. to a street laid down on said map called Jersey street; and thence along said street S. 83 deg. E. to the beginning corner; each of said lots containing in width, in front in Jersey street aforesaid, 30 feet. Also lot numbered 56 on said map, part of the property aforesaid, beginning at the S. corner of said lot on the N. side of a street called Front street, as laid down on said map, which corner is 250 feet W. of the line, on the intersection of said Jersey and Front streets, and from said corner running N. 7½ deg. E. 61 feet; thence N. 72 deg. 15 min. W., to lot numbered 57; thence S. 7½ deg. W. 66 feet 4 inches, to said Front street; and thence along said street S. 82½ deg. E. 30 feet, to the place of beginning. Also those three lots adjoining each other, marked and designated on said map as lots numbered 59, 60, and 61, beginning at the S. corner of lot No. 59, 60 feet W. of the W. line of said lot No. 56 last described, and from said corner running N. 7½ deg. E. 77 feet 2 inches; thence N. 72 deg. 15 min. W. along the rear lines of said lots numbered 59, 60, and 61, to the W. line of said lot numbered 61, and being the division line between said lot and lot numbered 62; thence along said line S. 7½ deg. W. 92 feet 4 inches, to said Front street; thence along the N. line thereof, S. 82½ deg. E. 90 feet, to the beginning corner.

The above levy is made subject to all prior legal claims and demands. Value ten cents.

(S'd) JOHN S. DARCY,
Marshal for the dist. of New Jersey.

Distress warrant from the solicitor of the Treasury.

THE UNITED STATES
vs.
SAMUEL SWARTWOUT.

By virtue of the above stated writ, I have, this twenty-fifth day of February, A. D. eighteen hundred and thirty-nine, levied on the fol-

lowing tracts or parcels of land and premises, situate, lying and being in the township and county of Bergen and State of New Jersey, which levy is further supplementary to my former levy made under the above stated writ on the fourteenth day of November, A. D. 1838. The first tract contains 18 acres and $\frac{47}{100}$, and conveyed by Samuel Cassedy and Abel Smith, trustees of Anna Hornblower, dec'd, to Samuel Swartwout, by deed bearing date the 1st of May, 1835, and is recorded September 14, 1835, in the Bergen county book of records, Liber P 3 of Deeds, page 298, as by reference thereto will more fully appear. Also one other tract of land and premises containing 2 acres and $\frac{42}{100}$, conveyed by John Storms and wife to John, Robert, and Samuel Swartwout, by deed July 17th, 1815, and recorded July 20, 1815, in the records of said county of Bergen, Liber L 2 of Deeds, page 359. This said tract of land was conveyed by John and Robert Swartwout and wives to Samuel Swartwout, by deed dated 28th November, 1821, and recorded 4th December, 1821, in Liber S 2 of Deeds for Bergen county, page 239.

The above levy is made subject to all prior legal claims and demands. Value one dollar.

(S'd) JOHN S. DARCY,
Marshal for the district of New Jersey.

Recorded March 1st, 1839, in the clerk's office of the U. S. district court for the district of New Jersey, in Book A of Executions, pages 31 and 32.

(S'd) ROBERT D. SPENCER, *Clerk.*

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT,
Solicitor's Office, Feb'y 9, 1854.

Pursuant to the act of Congress passed February 22d, 1849, I hereby certify, that the foregoing 20 pages contain a true and complete copy of original papers on file in this office.

In witness whereof, I have hereunto set my hand and caused the [L. S.] seal of the office of solicitor to be affixed, on the day and year first above written.

F. B. STREETER, *Solicitor.*

That the said marshal advertised said premises for sale by the following advertisement:

United States Marshal's sale.

By virtue of a warrant of distress issued by the solicitor of the Treasury of the United States, pursuant to the act of Congress passed 15th of May, 1820, to me directed and delivered, commanding me, in pursuance of the act aforesaid, to take and sell the estate of Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenbos, as by reference to said warrant or record thereof in the

office of the clerk of the district court for the district of New Jersey will more fully appear, I have levied on the real estate hereinafter described, and will dispose at public auction, at John Buck's hotel, in Jersey city, on Saturday the twentieth day of April next, between the hours of twelve at noon and 5 o'clock p. m., the sale to commence at one (1) o'clock p. m., on that day, of all the right, title, and interest of the said Samuel Swartwout in and to the same, which he had on the fourteenth day of October last, or at any time afterwards, viz:

No. 8. All that certain farm or lots of land and premises situate in the township of Lodi, in the county of Bergen, and State of New Jersey, lying between the rivers Passaic and Hackensack, and commonly called "Swartwout meadows," bounded on the west by lands of Israel Foot; west and southerly by the Passaic river; south by the Newark bay; easterly by lands of Anthony Day, esq., and others; on the north principally by the Newark bridge road; said to contain four hundred and ten acres, more or less.

9. All that tract of land and premises at Weehawken, in the township and county of Bergen, being a water-lot purchased by Samuel Swartwout of William C. H. Waddell, Archer Gifford, and Francis W. Brinley, bounded by lands of persons to me unknown.

No. 2. All that certain tract of land and premises at Hoboken, in the township and county of Bergen, which was purchased by Samuel Swartwout of Mahlon P. Green and wife, as per deed dated February 2, 1835, and recorded on the 18th day of February, 1835, in Liber No. 3 of Deeds for Bergen county, pages 103, 104, and 105, for six acres, three roods, and 36 poles. Said tract is bounded northerly by lands of John J. Benson and C. S. Watkins; easterly by lands of the heirs of John Stevens, dec'd; southerly by Bergen road, and westerly by the eastern line of the Hoboken meadows property.

1. All that certain tract of land and premises commonly called the Hoboken meadows, in the township and county of Bergen, which was quit-claimed by Samuel Storm to Samuel Swartwout, as per deed dated the 13th day of January, 1836, and recorded the first day of March, 1836, in Liber Q 3 of Deeds for Bergen county, pages 443, 444, and 445, for three hundred and thirty-three acres, more or less. Said tract is bounded northerly by Weehawken Cove; northeasterly and easterly by lands of the heirs of John Stevens, easterly by other lands of Samuel Swartwout, and lands of the heirs of John Stevens; southwesterly by lands of Henry Traphagen and heirs of John Van Vorst; westerly by lands of the heirs of John Stevens, and northwesterly by lands of the heirs of Charles Loss, deceased.

6. All that certain tract of land and premises in the township and county of Bergen situated at West Hoboken, purchased by Samuel Swartwout, as will more fully appear by a deed of Cyrus S. Browning and wife to said Swartwout, dated March 16, 1837, and recorded April 12, 1837, in Liber V 3 of Deeds for Bergen county, pages 355, 356, and 357; for seventy hundredths of an acre. Said lot is bounded on the north and south by other lands of Samuel Swartwout, on the

east by land of the heirs of John Stevens, deceased; and west by Palisade avenue.

No. 5. All that certain tract or parcel of land and premises in the township and county of Bergen, described in a certain deed from George B. Inniss to Samuel Swartwout, bearing date October 22d, 1836, and recorded the fifth day of November, 1836, in Liber T 3 of Deeds for Bergen county, pages 460, 461, 462, and 463, for seven acres and three hundredths. Said tract is bounded north by land of the heirs of John Stevens and other lands of said Swartwout; easterly by land of the heirs of John Stevens; southerly by land of the heirs of John Van Vorst, and westerly by Palisade avenue.

3. All that certain tract of land and premises in the township and county of Bergen, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated the first day of May, A. D. 1835, and recorded the 14th day of September, 1835, in Liber P 3 of Deeds for Bergen county, pages 295, 296, and 297, for fifteen acres and $\frac{77}{100}$. Said tract is bounded northerly by lands of Geo. B. Inniss and others; easterly by the Hoboken meadows; southerly by other land of Samuel Swartwout, and westerly by lands now or late of Van Wagenen Syms and others.

4. All that certain tract or parcel of land and premises in the township and county of Bergen, conveyed by Samuel Cassedy and Abel J. Smith, trustees of Anna Hornblower, dec'd, to Samuel Swartwout, by deed bearing date the first day of May, 1835, and is recorded September 14, 1835, in the Bergen county book of records, Liber P 3 of Deeds, page 293, for 18 acres and $\frac{47}{100}$. Said land is situated at West Hoboken, and is bounded northerly by other lands of Samuel Swartwout, easterly by Hoboken meadows, southerly by land of Samuel Swartwout and land of Cornelius Van Vorst, and westerly by land of Van Wagenen Syms and others.

7. All that tract or parcel of land and premises, containing two acres and $\frac{43}{100}$, conveyed by John Stevens and wife to John, Robert and Samuel Swartwout, by deed dated July 17, 1815, and recorded July 20, 1815, in the records of Bergen county, Liber L 2 of Deeds, page 359. This said lot of land was conveyed by John and Robert Swartwout and wives to Samuel Swartwout, by deed dated 28th of November, 1821, and recorded December 4, 1821, in Liber S 2 of Deeds of Bergen county, page 239. Said tract is situated in the village of Hoboken, and is bounded on the north by the Bergen road, and on the east, south and west by lands belonging to the heirs of the estate of John Stevens, dec'd.

10. Also all the right, title, interest, claim and demand of the said Samuel Swartwout, either in law or equity, of, in and to the following described lots of land and premises, on the second day of February last, and at any time thereafter, viz.: All those certain lots or parcels of land and premises, situated, lying and being in the city of Newark, in the county of Essex and State of New Jersey, known and distinguished, on a map or draft of said land recorded in the clerk's office of said county of Essex, as lots numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,

11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 37, 38, 39, 40, 41, 42, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68—being part of the property formerly owned by one Caleb Wheeler, and by him conveyed to Pruddin Alling, by whom it was divided into lots and sold, pursuant to the map or chart aforesaid. Lots numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, and 23, front on Jersey street and upon the river road, and extend severally in the rear to the Passaic river; and lots numbers 37, 38, 39, 40, 41, 42, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68, front on the river road or Front street; each of the said lots being 30 feet in width in front and rear. Said lots were conveyed by deeds from Pruddin Alling, A. W. Corey, John H. Pounder, W. Stevens and John P. Jackson, to Henry Yates, esq., in whose name those lots or parcels of land above described will be found of record as aforesaid. Said lots collectively are occupied and used as the Morris Canal coal-yard.

Each and every one of the above described lots, pieces, or parcels of land, together with the hereditaments and appurtenances appertaining or belonging to each and every of them levied on by me, I will dispose of at public auction, at the place, day, and hour aforesaid, as fully and amply as I am empowered by the warrant aforesaid and the act referred to.

Dated March 18, 1839.

JOHN S. DARCY,
U. S. Marshal for the district of New Jersey.

The sale of the above property is adjourned to Saturday, the first day of June next, at the place and hour above named.

April 20th, 1839.

JOHN S. DARCY, *Marshal.*

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT,
Solicitor's Office, Feb. 7, 1854.

Pursuant to the act of Congress, passed February 22d, 1849, I hereby certify, that the foregoing five pages contain a true copy of an original paper on file in this office.

In witness whereof, I have hereunto set my hand and caused the seal of the office of the Solicitor of the Treasury to be affixed, on the day and year first above written.

[L. S.]

F. B. STREETER, *Solicitor of the Treasury.*

That said marshal made return to the office of the Solicitor of the Treasury of the United States, of a statement of said sale as follows:

THE UNITED STATES
vs.
SAMUEL SWARTWOUT AND OTHERS.

By virtue of a distress warrant from the Treasury Department, dated November 10, 1838, for $1,344,119 65.

By virtue of the above stated writ, on the first day of June, 1839, between the hours of 12 and 5 o'clock of that day, I sold at public vendue, at the house of John Buck, in Jersey city, the following lots or parcels of land, more particularly described in schedule No. 1, in the numbers corresponding with those herein stated. The number of the lots, the name of each purchaser, the probable number of acres, and the amount for which the several lots sold for, are correctly made out in the following statement:

No. Lots.	Lots usually called	No. acres.	Names of purchasers.	Dollars.
1	The Hoboken meadows -	333	Asa Wright - - -	$2,950
2	The M. P. Green lot - -	6	Asa Wright - - -	1,700
3	The Josiah Hornblower lot	15 77/100	George Suckley - -	2,500
4	The Anna Hornblower lot	18 47/100	George Suckley - -	3,150
5	The Geo. B. Inniss lot - -	7 38/100	Asa Wright - - -	1,150
6	The Cyrus Browning lot -	70/100	Asa Wright - - -	205
7	The John Stephens lot -	2 42/100	Edwin R. V. Wright,	
	The deed for this lot has not been taken, nor can the money be collected by me.		sold for $1,575.	
8	The Hackensack meadows	410	Asa Wright - - -	2,750
9	The Hoboken water-lot -	19	Asa Wright - - -	350
10	The Newark dock lots - -	- -	- - - - - - - -	9,750
	Whole am't of sales whereon deeds were taken -	- -	- - - - - - - -	$24,505
	Am't bid off by Asa Wright for Government - - -	- -	- - - - $18,855	
	Amount bid off by George Suckley, and since paid for and deed taken - -	- -	- - - - 5,650	
				$24,505

The above is a true statement.

Newark, January 18, 1841. JOHN S. DARCY,
U. S. Marshal, district of New Jersey.

UNITED STATES OF AMERICA.

TREASURY DEPARTMENT,
Solicitor's Office, Feb. 9, 1854.

Pursuant to the act of Congress passed on the 22d of February, 1849, I hereby certify, that the foregoing page contains a true copy of an original paper on file in this office.

In witness whereof, I have hereunto set my hand and caused the seal of the office of the solicitor to be affixed, on the day and year first above written.

[L. S.]

F. B. STREETER, *Solicitor of the Treasury.*

That said marshal made, executed, and delivered to the United States a deed for part of said lands, which deed was acknowledged and recorded as stated by the certificates thereon, which deed and certificates are as follows:

John S. Darcy, marshal, &c., to the United States of America.

Deed dated the 20th day of June, anno Domini 1839.

This indenture, made the twentieth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, between John S. Darcy, marshal of the United States of America, for the district of New Jersey, party of the first part, and the United States of America, parties of the second part.

Whereas Henry D. Gilpin, Solicitor of the Treasury, heretofore, on the twelfth day of November, in the year one thousand eight hundred and thirty-eight, in pursuance of the act of Congress approved on the 15th day of May, 1820, entitled "An act providing for the better organization of the Treasury Department," issued under his hand and seal a certain warrant of distress against Samuel Swartwout and Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss, sureties of the said Samuel Swartwout, directed and delivered to the said marshal, which said warrant is in the words and figures following, to wit:

To the Marshal of the United States for the district of New Jersey:

Whereas Samuel Swartwout, late collector of the revenue for the port of New York, became indebted to the United States in the sum of one million three hundred and seventy-four thousand one hundred and nineteen dollars and sixty-five cents, agreeably to the account truly stated by the accounting officer of the Treasury, and certified by the first comptroller of the Treasury, of which a copy is herewith transmitted. And whereas, the sum of thirty thousand dollars has been paid on account of the said debt, so that the sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout. And whereas, the said Samuel Swartwout has failed to pay over according to law the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents: These therefore are to command you, in pursuance of the act of Congress entitled "An act providing for the better organization of the Treasury Department," passed on the 15th day of May, 1820, to levy, take, and sell the estate of the said Samuel Swartwout, and of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, the sureties of the said Samuel Swartwout, which may be situated in your district, according to the provisions of the said act; and in executing this warrant, you will, by yourself or deputies, proceed to levy and collect the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remaining due, by distress and sale of the goods and chattels of the said Samuel Swartwout, in the man-

ner prescribed by the said act. And if the said goods and chattels be not sufficient to satisfy this warrant, you will levy the same on the person of the said Samuel Swartwout; and in case he should not satisfy the same, you will commit him to prison, there to remain until discharged by due course of law. And if goods and chattels of the said Samuel Swartwout are not found sufficient to satisfy this warrant, you will proceed to levy and collect the sum of one hundred and fifty thousand dollars, if so much of the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout, by distress and sale of the goods and chattels of Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss, of the city of New York, who are sureties of the said Samuel Swartwout, in the said sum of one hundred and fifty thousand dollars, in the manner prescribed by the said act. And you are hereby further commanded, to cause to be recorded forthwith, in the office of the clerk of the district court of your district, the levy made by virtue thereof upon the lands, tenements, and hereditaments of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss, with the date of said levy. And you are hereby further commanded, if the goods and chattels of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss, are not sufficient to satisfy the sum that may remain due, to sell in the manner prescribed by the said act the lands, tenements, and hereditaments of the said Samuel Swartwout, and of the said Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss, or so much thereof as may be necessary to satisfy the sum that may remain due: provided, always, that you make by the levy and sale of the lands, tenements, and hereditaments of the said Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss, securities of the said Samuel Swartwout, only such part of the sum of one hundred and fifty thousand dollars before mentioned as shall have remained due after the sale of the goods and chattels of the said Benjamin Birdsall, Charles L. Livingston and Mangle M. Quackenboss. And all moneys that may remain of the proceeds of such sale, after satisfying this warrant and paying the costs and charges of executing the same, you are hereby required to return to the said Samuel Swartwout or to his trustees whose property has been sold, as the case may be. And whatsoever you may do in obedience to this warrant, you will make return thereof to the office of the Solicitor of the Treasury, and, for your so doing, this shall be your sufficient authority.

Given under my hand and seal, this twelfth day of November, anno Domini one thousand eight hundred and thirty-eight.

H. D. GILPIN, [SEAL.]
Solicitor of the Treasury.

And whereas, the said marshal, in obedience to the command of the said warrant, and in pursuance of the said act of Congress, did duly levy on and seize all the estate, right, title, and interest, which the said Samuel Swartwout had, of, in, and to the premises hereinafter conveyed

and described, at the time hereafter specified, and on the first day of June, 1839, duly sold the said premises at public vendue, at John Buck's hotel, in Jersey city, in the State of New Jersey, a public place within the county and district where said premises are situated, having first given public notice of the time and place of such sale by duly advertising the same, pursuant to the act of Congress aforesaid, at which sale the said premises were struck off to Asa Wright for the sum of eighteen thousand eight hundred and eighty-five dollars, he being the highest bidder, and that being the highest sum bidden for the same. And whereas, the said Asa Wright was then and there the agent of the United States, duly appointed by the said Henry D. Gilpin, Solicitor of the Treasury, to purchase the said premises for the United States: Now, this indenture witnesseth, that the said party of the first part, by virtue of the said warrant of distress, and in pursuance of the act of Congress in such case made and provided, and in consideration of the sum of money so bidden as aforesaid, to him duly paid, hath sold and by these presents doth grant and convey unto the said parties of the second part all the estate, right, title, and interest, which the said Samuel Swartwout had, on the fourteenth day of October, one thousand eight hundred and thirty-eight, or at any time afterwards, of, in and to all that certain tract of land and premises commonly called the Hoboken meadows, in the township and county of Bergen, which was quit-claimed by Samuel Storm to Samuel Swartwout, as per deed dated the thirteenth day of January, 1836, and recorded the first day of March, 1836, in Liber Q 3 of Deeds for Bergen county, pages 443, 444, and 445, for three hundred and thirty-three acres, more or less; said tract being bounded northerly by Weehawken Cove, northeasterly and easterly by land of the heirs of John Stevens, deceased, southeasterly by other lands of Samuel Swartwout and lands of heirs of John Stevens; southwesterly by lands of Henry Traphagen and heirs of John Van Vorst; westerly by lands of the heirs of John Stevens, and northwesterly by lands of the heirs of Charles Loss, deceased. And also all that certain tract of land and premises at Hoboken, in the township and county of Bergen, which was purchased *of* Samuel Swartwout of Mahlon P. Green and wife, as per deed dated February 2d, 1835, and recorded on the 18th day of February, 1835, in Lib. No. 3 of Deeds for Bergen county, pages 103, 104, and 105, for six acres, three roods and thirty-six poles; said tract being bounded northerly by lands of John J. Benson and C. S. Watkins; easterly by lands of the heirs of John Stevens, deceased; southerly by the Bergen road, and westerly by the eastern line of Hoboken meadows. And also all that certain tract of land and premises in the township and county of Bergen, described in a certain deed from George B. Inniss to Samuel Swartwout, bearing date October 22, 1836, and recorded the fifth day of November, 1836, in Liber T 3 of Deeds for Bergen county, pages 460, 461, 462, and 463, for seven acres and three hundredths; said tract being bounded north by land of the heirs of John Stevens and other lands of said Swartwout; easterly by lands of the heirs of John Stevens;

southerly by land of the heirs of John Van Vorst, deceased, and westerly by Palisade avenue.

And also all that certain tract of land and premises in the township and county of Bergen, situate at West Hoboken, purchased by Samuel Swartwout, as will more appear by a deed of Cyrus S. Browning and wife to said Swartwout, dated March 16, 1837, and recorded April 12, 1837, in Liber V 3 of Deeds for Bergen county, pages 355, 356, and 357, for seventy hundredths of an acre, said lot being bounded on the north and south by other lands of Samuel Swartwout, on the east by land of the heirs of John Stevens, deceased, and west by Palisade avenue. And also all that certain farm or lot of land and premises situate in the township of Lodi, in the county of Bergen, and State of New Jersey, lying between the rivers Passaic and Hackensack, and common called "Swartwout's meadows," bounded on the north by lands of Israel Foot; west and southerly by the Passaic river; south by the Newark bay; easterly by lands of Anthony Day, esq., and others; on the north principally by the Newark bridge road, said to contain four hundred and ten acres, more or less. And also all that tract of land and premises at Weehawken, in the township and county of Bergen, being a water-lot purchased by Samuel Swartwout of William C. H. Waddell, Archer Gifford, and Francis W. Brinley, bounded by lands of persons to me unknown. And also all the right, title, interest, claim, and demand of the said Samuel Swartwout, either in law or equity, of, in, and to the following described lots of land and premises, on the second day of February last, and at any time thereafter, viz: All those certain lots or parcels of land and premises situate, lying and being in the city of Newark, in the county of Essex, and State of New Jersey, known and distinguished, on a map or chart of land recorded in the clerk's office of the said county of Essex, as lots numbers one, two, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 37, 38, 39, 40, 41, 42, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68—being a part of the property formerly owned by one Caleb Wheeler, and by him conveyed to Prudden Alling, by whom it was divided into lots and sold, pursuant to the map or chart aforesaid; lots numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23, fronting upon Jersey street, and upon the river road, and extending severally in the rear to the Passaic river; and lots numbers 37, 38, 39, 40, 41, 42, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, and 68, fronting on the river road or Front street, each of the said lots being thirty feet in width in front and rear; which said lots were conveyed by deeds from Prudden Alling, A. W. Corey, John M. Pounder, W. Stevens, and John P. Jackson, to Henry Yates, esquire, in whose name these lots or parcels of land above described will be found of record as aforesaid. Said lots collectively are occupied and used as the Morris Canal coal-yard. To have and to hold the said above mentioned and conveyed premises unto the said United States of America, parties of the second part, and their assigns, forever, as fully and absolutely as the said party of the first part, as marshal as

aforesaid, can or ought to, by virtue of the said warrant of distress and the laws relating thereto.

In witness whereof, the said John S. Darcy, Marshal of the United States of America for the district of New Jersey, hath hereunto set his hand and seal, the day and year first above written.

JOHN S. DARCY. [L. S.]

Sealed and delivered in the presence of—
JOSEPH N. TUTTLE.

NEW JERSEY, *ss:*

On this twenty-fifth day of June, in the year 1839, before me, Joseph N. Tuttle, one of the masters in chancery for the State of New Jersey aforesaid, personally appeared John S. Darcy, marshal of the United States for the district of New Jersey, who I am satisfied is the grantor in the within deed named; and I having first made known to him the contents thereof, he did thereupon acknowledge that he signed, sealed, and delivered the said deed as his voluntary act and deed, for the uses and purposes therein expressed.

JOSEPH N. TUTTLE,
Master in Chancery.

Received in the office and recorded the 26th day of June, an. Dom. 1839.

SAM'L H. BERRY, *Clerk.*

STATE OF NEW JERSEY,
Bergen county, ss:

I, Garret G. Ackerson, clerk of the county of Bergen, and clerk of the court of common pleas in and for said county, do certify the foregoing to be a true copy of a deed, and of the proof or acknowledgment thereof, as the same remains of record in Liber A 4 of Deeds for said county, pages 165, 166, 167, 168, and 169.

Witness my hand and seal of said county and court, this sixth day of August, an. Dom. 1852.

[L. S.]

GARRET G. ACKERSON, *Clerk.*

That the Solicitor of the Treasury of the United States executed and delivered to John J. Benson a deed acknowledged and recorded as stated in the certificates thereon, which deed and certificates are as follows:

This indenture, made this tenth day of June, eighteen hundred and forty-four, between Charles B. Penrose, Solicitor of the Treasury, acting on behalf of the United States under the authority of the "act to provide for the appointment of a Solicitor of the Treasury," approved on the 29th day of May, 1830, party of the first part, and John J. Benson, of Hoboken, in the county of Hudson, and State of New Jersey, party of the second part: Whereas the said party of the first part did, on the 27th day of April last, advertise in several of the most

public places, one of which was the village of Hoboken aforesaid, and also in a daily newspaper published in the city of New York, called the Morning Courier and New York Enquirer, for a period of at least one week, that the premises hereinafter mentioned and described would be sold at public vendue on the seventh day of May instant, at the house of Garret Benson, inn-keeper, in the said village of Hoboken, between the hours of two and three in the afternoon of that day.

And whereas the said premises, in pursuance of the said advertisement, at the place and time aforesaid were exposed to sale at public vendue, and the said premises were struck off and sold to the said John J. Benson, he being the highest bidder for the same:

Now this indenture witnesseth, that the said party of the first part, for and in consideration of the sum of two thousand five hundred dollars to him in hand paid, at and before the sealing and delivery of these presents by the said party of the second part, the receipt whereof is hereby acknowledged, has remised, released, and forever quit-claimed, and by these presents doth remise, release, and forever quit-claim, unto the said party of the second part, his heirs and assigns, all the right, estate, and interest of the United States in and to all that certain tract of land and premises at Hoboken, in the county of Hudson, formerly Bergen, and State of New Jersey, which was purchased by Samuel Swartwout of Mahlon P. Green and wife, as per deed dated the second day of February, eighteen hundred and thirty-five, and recorded on the 18th day of the same month of February, in Liber 3 of Deeds for Bergen county, pages 103, 104, and 105, for six acres, three roods, and 36 poles; said tract being bounded northerly by lands of John J. Benson and C. S. Watkins; easterly by lands of John Stevens, deceased; southerly by the Bergen road; and westerly by the eastern line of the Hoboken meadows. The deed to the United States is recorded in the clerk's office of Bergen county, the 26th day of June, 1839, in Liber A 4 of Deeds, pages 165, '7, '8, and 9; together with all and singular the rights, privileges, hereditaments, and appurtenances to the same belonging or in anywise appertaining: to have and to hold the said premises with the appurtenances, unto the said John J. Benson, his heirs and assigns, to the only proper use, benefit, and behoof of the said John J. Benson, his heirs and assigns forever.

In witness whereof, I, the said Charles B. Penrose, party of the first part, have hereunto set my hand and seal, the day and year first above written.

CHS. B. PENROSE, [L. S.]
Solicitor of the Treasury.

Signed, sealed, and delivered in presence of—
FRANCIS BRINLEY,
B. F. PLEASANTS.

DISTRICT OF COLUMBIA,
County of Washington, ss:

Be it remembered, that on this tenth day of June, A. D. eighteen hundred and forty-four, before me, the subscriber, chief judge of the

circuit court of the District aforesaid, personally appeared Charles B. Penrose, Solicitor of the Treasury, who, I am satisfied, is the grantor mentioned in the foregoing deed, and to whom I first made known the contents thereof; and thereupon he acknowledged that he signed, sealed, and delivered the same as his voluntary act and deed, for the uses and purposes therein expressed.

W. CRANCH. [L. S.]

DISTRICT OF COLUMBIA,
Washington county, to wit.

I, William Brent, clerk of the circuit court of the District of Columbia for the county of Washington, hereby certify, that the Hon. William Cranch, before whom the above acknowledgment was made, and who has thereto subscribed his name, was at the time thereof chief judge of the circuit court of the District of Columbia, duly commissioned and qualified.

In testimony whereof I have hereunto subscribed my name, and affixed the seal of said court, at the city of Washington, this [L. S.] 11th day of June, 1844.

W. BRENT, *Clerk.*

Endorsed:

Charles B. Penrose, Solicitor of the Treasury, to John J. Benson. Quit-claim deed.

Received in the clerk's office of Hudson county, the 10th day of July, 1844, and recorded the same day in Liber 5 of Deeds, pages 474 and 475.

R. GILCHRIST, *Clerk.*

That John J. Benson and wife executed to the defendants a deed, acknowledged and recorded as stated in the certificates thereon, which deed and certificates are as follows:

This indenture, made the fourth day of June, in the year of our Lord one thousand eight hundred and forty-five, between John J. Benson, of the city and county of Camden, in the State of New Jersey, late of Hudson county in said State, superintendent, and Hester, his wife, of the first part, and the Hoboken Land and Improvement Company, of the second part, witnesseth: That the said parties of the first part, for and in consideration of the sum of twenty-five hundred dollars, lawful money of the United States, to them in hand paid by said Company, at and before the sealing and delivery hereof, the receipt of which they do hereby acknowledge, and therefrom acquit the said Company and their successors forever, have remised, released, and forever quit-claimed, and by these presents do remise, release, and forever quit-claim, unto the said Hoboken Land and Improvement Company, their successors and assigns, all the right and title, estate and interest, claim, property, and demand whatsoever of them, the said parties of the first part, to, in, or out of all that certain tract of land and premises at

Hoboken, in the county of Hudson, formerly Bergen, and State of New Jersey, containing six acres, three rods, and 36 poles, and bounded northerly by other lands of John J. Benson, and land of C. S. Watkins; easterly by lands of John Stevens, esq., deceased; southerly by the Bergen road, and westerly by the eastern line of the Hoboken meadows; being the same tract which Charles B. Penrose, esq., Solicitor of the Treasury of the United States, by indenture dated the tenth day of June, anno Domini eighteen hundred and forty-four, acknowledged before the Hon. William Cranch, chief judge of the circuit court of the District of Columbia, and recorded in the clerk's office of the said county of Hudson, in Liber 5 of Deeds, pp. 474 and 475, remised and released unto the said John J. Benson, his heirs and assigns, as, reference to the said deed being had, will truly and more fully appear. There being reserved and excepted hereout, nevertheless, all those eight equal and adjoining lots lying west of Garden street and north of First street, and numbered in a plan or map of Hoboken, made and filed by John Stevens, esq., deceased, Nos. 826, 827, 828, 829, 830, 831, 832, and 833, the same having been, by indentures dated the third day of June instant, been remised, released, and quitclaimed by the said parties hereto, in several and distinct portions, unto Garret Benson, Charles S. Chamberlain, and Asa Wright, and their respective heirs and assigns, as, by reference to the said deeds intended to be recorded in the clerk's office of said Hudson county, may more at large appear; together with all and singular the rights and privileges, hereditaments, and appurtenances to the same belonging or in anywise appertaining: to have and to hold the said tract of land and premises with the appurtenances, (saving and except as aforesaid,) unto them, the said Hoboken Land and Improvement Company, their successors and assigns, to the only proper use, benefit, and behoof of the said Hoboken Land and Improvement Company, their successors and assigns, according to law forever.

In witness whereof, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

JOHN J. BENSON, [L. S.]
HESTER BENSON, [L. S.]

Signed, sealed, and delivered in presence of—
J. K. COWPERTHWAIT,
ISAAC MICKLE.

STATE OF NEW JERSEY, *Camden county, ss:*

Be it remembered, that on this fourth day of June, anno Domini one thousand eight hundred and forty-five, before me, the subscriber, one of the judges of the inferior court of common pleas in and for said county, personally appeared the within named John J. Benson and Hester his wife, who, the contents of the within written indenture being by me first made known to them, did acknowledge the same to be their voluntary act and deed; and the said Hester, on a private examination, separate and apart from her said husband, did acknowl-

edge that she signed, sealed, and delivered the same as her voluntary act and deed, freely, without any fear, threats or compulsion from her said husband.

J. K. COWPERTHWAIT.

Endorsed:

Deed—John J. Benson et al. to Hoboken Land and Improvement Co.—Tract of land in Hoboken.

Received in the clerk's office of Hudson county, the 15th day of November, A. D. 1845, and recorded the same day in Lib. 7 of Deeds, pages 531 and 532.

R. GILCHRIST, *Clk.*

That the levy made under the said execution out of the supreme court of New Jersey, the sheriff's deed thereon, the levy of the marshal under the distress warrant, the marshal's deed to the United States, and said deed to and the one from John J. Benson, each included the premises in question; and that the part of the county of Bergen in which the premises are, was, in April, 1840, created into the county of Hudson.

That Samuel Swartwout executed a power of attorney to Henry Ogden, which was acknowledged and proved, as stated in the certificates thereon; which power and certificates are as follows:

Know all men by these presents, that I, Samuel Swartwout, of the city of New York, have made, constituted, and appointed, and by these presents make, constitute, and appoint Henry Ogden, of the same place, my true and lawful attorney, for me and in my name, place and stead, and unto my use, to ask, demand, sue for, levy, recover, and receive all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever, which are or shall be due, owing, payable and belonging to me, or detained from me in any manner, way or means whatsoever, by any person, body politic or corporate, or number of association of persons whatsoever; and to make and execute, for me and in my name, all deeds, bonds, mortgages, leases, promissory notes, receipts, acquittances, contracts and agreements, which I might or could do if personally present; giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation; hereby ratifying and confirming all that my said attorney or substitute shall lawfully do or cause to be done by virtue hereof.

In witness whereof I have hereunto set my hand and seal, the fourth day of August, one thousand eight hundred and thirty-eight.

SAM'L SWARTWOUT. [L. S.]

Sealed and delivered in the presence of—

J. PHILLIPS.

STATE OF NEW YORK,
City and county of New York, ss:

On the third day of October, 1838, personally came before me Joshua Phillips, subscribing witness to the within power of attorney, to me known, who, on being duly sworn, did depose and say, that he is acquainted with Samuel Swartwout, and that he knows him to be the same person described in, and who executed the within power of attorney; that he saw him sign the same, and that he acknowledged that he executed the same in his presence, and that he subscribed his name as a witness thereto.

ISAAC C. BARKER,
Comm'r of deeds.

Recorded the preceding, at the request of H. Ogden, 3d October, 1838, at ten minutes past 1 p. m.

W. CORP, *Reg.*

I, James Gulick, register of the city and county of New York, do hereby certify, that I have compared the preceding with the original record of power of attorney, which is recorded in the said office of register, in Liber No. 4 of Powers of Attorney, page 136, and the same is a correct transcript therefrom, and of the whole of such original record.

Given under my hand this ninth day of November, A. D. 1838.

W. CORP, *D. Reg.*

That an instrument in writing, purporting to be a mortgage given by Samuel Swartwout, by Henry Ogden, his attorney, to Henry D. Gilpin, Solicitor of the Treasury, was signed, sealed and delivered, and was acknowledged, as stated in the certificate thereon; and that the same, with a copy of said power thereto annexed, and said certificate of acknowledgment, were recorded at length in Liber J of Mortgages for the county of Bergen, page 321, &c., as in a certificate of said recording endorsed thereon is stated; which instrument, copy of power, certificates, and the record thereof, are as follows:

Know all men by these presents, that I, Samuel Swartwout, of the city of New York, have made, constituted, and appointed, and by these presents make, constitute, and appoint Henry Ogden, of the same place, my true and lawful attorney, for me, and in my name, place, and stead, and unto my use, to ask, demand, sue for, levy, recover, and receive all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever, which are or shall be due, owing, payable, and belonging to me, or detained from me in any manner, way, or means, whatsoever by any person, body politic or corporate, or number of association of persons whatsoever, and to make and execute for me, and in my name, all deeds, bonds, mortgages, leases, promissory notes, receipts, acquittances, contracts, and agreements, which I might or could do if personally present, giving and granting unto my said attorney full power and authority to do and perform

all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation; hereby ratifying and confirming all that my said attorney or substitute shall lawfully do or cause to be done by virtue hereof.

In witness whereof, I have hereunto set my hand and seal, the fourth day of August, one thousand eight hundred and thirty-eight.

SAM'L SWARTWOUT. [L. S.]

Sealed and delivered in the presence of—
J. PHILLIPS.

STATE OF NEW YORK,
City and county of New York, ss:

On the third day of October, 1838, personally came before me Joshua Phillips, subscribing witness to the within power of attorney, to me known, who, on being duly sworn before me, did depose and say, that he resides in the city of New York; that he is acquainted with Samuel Swartwout, and that he knows him to be the same person described in, and who executed the within power of attorney; that he saw him sign the same, and that he acknowledged that he executed the same in his presence, and that he subscribed his name as a witness thereto.

ISAAC C. BARKER,
Commissioner of Deeds.

Recorded the preceding, at the request of H. Ogden, 3d October, 1838, at 10 mins. past 1 p. m.

W. CORP, *D. Reg.*

I, James Gulick, register of the city and county of New York, do hereby certify, that I have compared the preceding with the original record of power of attorney, which is recorded in the said office of register, in Liber No. 4 of Powers of Attorney, page 136, and the same is a correct transcript therefrom, and of the whole of such original record.

Given under my hand, this ninth day of November, A. D. 1838.

W. CORP, *D. Reg.*

This indenture, made the tenth day of November, in the year one thousand eight hundred and thirty-eight, between Samuel Swartwout, of the city of New York, by his attorney in fact, Henry Ogden, of the first part, and Henry D. Gilpin, Solicitor of the Treasury of the United States, for the use of the United States, of the second part.

Whereas, the said Samuel Swartwout is justly indebted to the United States of America in the sum of one million of dollars: Now this indenture witnesseth, that the said party of the first part, for the better securing of the said sum of money, and also in consideration of the sum of one dollar to him paid by the said party of the second part, before the sealing and delivery of these presents, the receipt of which

is hereby acknowledged, has granted, bargained, sold, aliened, released, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, convey, and confirm unto the said party of the second part, his successors and assigns, for the use aforesaid, all that certain tract or parcel of land, situate in the county of Bergen and State of New Jersey, known as Swartwout's Hoboken meadows, containing in all about 333 acres; and also all that tract of land situate in the county of Bergen and State of New Jersey, known as Swartwout's upper meadows, containing in all about 400 acres; and also all that certain tract or parcel of land situate in the said county of Bergen and State of New Jersey, known as Swartwout's Bergen hill property, containing in all about thirty-five acres; and also all the right, title, and interest of the party of the first part, in all and any estate, real and personal, situate and being in the State of New Jersey; together with the appurtenances thereto belonging, and all the estate, right, title, and interest in law and equity of the said party of the first part, in and to the said premises and every part thereof, with their appurtenances: to have and to hold the same to the said party of the second part, his successors and assigns forever: Provided, always, and these presents are upon this express condition, that, if the said party of the first part, his heirs, executors, and administrators, shall pay to the United States of America the said sum of one million of dollars, and the interest thereon, within one week from the date of these presents, *and* the estate hereby granted shall cease, determine, be void, but otherwise to remain in full force.

In witness whereof the parties hereto have set their hands and seals, the day and year first above written; the said party of the first part by his attorney, duly appointed for that purpose by letter of attorney dated the 4th August, 1838, now on file in the transfer office of the Manhattan Company, New York, and recorded in the register's office of the city of New York, in Liber No. 4 of Powers of Attorney, page 136, a copy of which letter of attorney is hereto annexed.

SAMUEL SWARTWOUT, [L. S.]
By his Attorney, HENRY OGDEN. [L. S.]

CITY OF NEW YORK, *to wit:*

Be it remembered, that on this tenth day of November, in the year of our Lord 1838, personally appeared before the subscriber, mayor of said city, Henry Ogden, attorney of Samuel Swartwout, the within grantor, to me known to be the person described in, and who executed the foregoing instrument, and acknowledged the foregoing instrument to be the act and deed of the said Samuel Swartwout, and desired that it might be recorded as such.

In witness whereof, I have hereunto set my hand and caused the [L. S.] seal of the mayoralty of the city of New York to be affixed to these presents, on the day and year first above written.

AARON CLARK, *Mayor.*

Received in the office and recorded the 10th day of November, A. D. 1838, at 6 o'clock p. m.

SAM'L DE BERRY, *Clerk.*

STATE OF NEW JERSEY,
Bergen county, ss:

Garret G. Ackerson, clerk of the county of Bergen, and clerk of the court of common pleas in and for said county, do certify the foregoing to be true copies of a power of attorney and a mortgage, and of the proofs or acknowledgments thereof, as the same remains of record in Liber J of Mortgages for Bergen county aforesaid, pages 321, 322, and 323.

Witness my hand and seal of said county and court, this second day of June, A. D. 1852.

[L. S.] GARRET G. ACKERSON, *Clerk.*

That on the thirtieth day of November, A. D. 1838, said instrument, purporting to be a mortgage from Samuel Swartwout by Henry Ogden, his attorney, to the United States, was shown to William P. Rathbone, then the agent of said James B. Murray and John C. Kayser, in the matter of their claim against said Samuel Swartwout, upon which said judgment was obtained in the supreme court of New Jersey, and the contents thereof made known to him in the county clerk's office, where it was left to be recorded.

That the judgment of Kayser & Murray against Samuel Swartwout, in the supreme court of New Jersey, was not actually entered on the minutes of the court until March 7, 1839, in the term of February, 1839, and is signed as of the first day of February term, 1839, that being the 26th day of that month, it being the practice of the courts of New Jersey to enter all judgments during a term as of the first day of that term. That no affidavit was filed or exhibited at or before the entry of said judgment. That the summons in said case, the endorsement and appearance thereon, a cognovit in said case, and the endorsement thereon, and the rule for judgment in said case as existing on the files of the supreme court of New Jersey, are as follows:

NEW JERSEY, *to wit:*

[SEAL.] To our Sheriff of our county of Bergen, greeting:

We command you to summon Samuel Swartwout, if in your county he may be found, so that he be and appear before our justices of our supreme court of judicature at Trenton, on the last Tuesday of February next, to answer unto James B. Murray and John Keyser, in a plea that he render unto them sixty thousand dollars of debt which to them he owes, and from them unjustly detains; and have you then there this writ.

Witness Joseph C. Hornblower, esquire, chief justice of our supreme court, at Trenton, this second Tuesday in November, in the year of our Lord one thousand eight hundred and thirty-eight.

ROSSELL, *Clerk.*

Endorsed:

NEW JERSEY SUPREME COURT, *Bergen.*

JAMES B. MURRAY AND JOHN KEYSER
vs.
SAMUEL SWARTWOUT. } In debt $60,000.

Returnable February term, 1839.

J. H. WILLIAMSON, *Att'y.*

I appear to this writ for the defendant, and acknowledge due service thereof.

J. D. MILLER, *Att'y for the Def't.*

SAMUEL SWARTWOUT
adsm.
JAMES B. MURRAY AND JOHN KEYSER. } In debt.

New Jersey supreme court, of the term of February, in the year of our Lord 1839.

I confess the debt in this cause, and that the plaintiffs have sustained damages in the amount of one dollar on the occasion of the detaining thereof, besides their costs and charges in this behalf to be taxed.

J. D. MILLER,
Attorney for the Defendant.

A true copy.

WM. M. FORCE, *Clerk.*

New Jersey supreme court, February term, 1839.

JAMES B. MURRAY AND JOHN C. KAYSER
vs.
SAMUEL SWARTWOUT. } In debt.

A declaration having been duly filed in this cause, and the defendant's attorney having filed a cognovit confessing the action of the plaintiffs, and that the said defendant owes to and detains from the said plaintiffs their debt, &c., it is ordered that judgment final be entered in favor of the plaintiffs for their said debt against said defendant, with costs to be taxed; on motion of J. H. Williamson, attorney for plaintiff.

A true copy from the minutes.

WM. M. FORCE, *Clerk.*

That at the sale made by the marshal under the distress warrant, William P. Rathbone was in attendance, and, before any part of the lands were sold by said marshal, gave public notice in behalf of himself and James B. Murray and John C. Kayser, the lessors of the plaintiff in this cause, that if the marshal proceeded to sell said lands or any part of them, the title under such sale would be disputed; and

that said Rathbone claimed that there was a judgment obtained by said Murray and Kayser against Samuel Swartwout, which would operate as a prior lien upon the property to be sold, which judgment is the same as that under which the plaintiff claims; and that said Rathbone caused to be read and posted in the sales-room a notice in writing, to the effect above stated.

Circuit court of the United States, for the third circuit and district of New Jersey.

JOHN DEN, ex dem. JAMES B. MURRAY and JOHN C. KAYSER,
vs.
THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

On ejectment for lands at Hoboken, in the county of Hudson and district and State of New Jersey, in possession of William Havens.

THE SAME
vs.
THE SAME.

On ejectment for lands at Hoboken aforesaid, in possession of Thomas A. Harley and others.

Special verdicts having been found in each of these cases, and motions being made in behalf of the plaintiffs for judgment thereon, upon the hearing and debating of said motion before the judges of this court, the following points were raised and submitted in each of said cases, that is to say:

I. Whether the same power of attorney in said special verdict mentioned was sufficient, and was duly proved or acknowledged and entered on the public records of the State of New Jersey, so as to authorize the execution of the said mortgage in the said special verdict mentioned.

II. Whether the said mortgage was duly proved or acknowledged and recorded; and if not, whether the notice of the same given to the said William P. Rathbone, as found by the special verdict, cured any defect in that behalf, so as to give priority to the said mortgage over the said judgment in the said special verdict mentioned.

III. Whether the said warrant of distress in the special verdict mentioned, and the proceedings thereon and anterior thereto, under which the defendants claim title, are sufficient, under the Constitution of the United States and the law of the land, to pass and transfer the title and estate of the said Swartwout in and to the premises in question, as against the lessors of the plaintiff; and the judges of this court being of opposite opinions upon each and every of the said points, do, upon request of the counsel of the respective parties, hereby date and certify

the same to the Supreme Court of the United States for their opinion and decision thereupon.

In testimony whereof, we, Robert C. Grier and Philemon Dickerson, judges of the circuit court aforesaid, have hereto, at the city of Trenton, on this twenty-seventh day of September, in [L. S.] the year of our Lord one thousand eight hundred and fifty-four, set our hands and caused the seal of the said circuit court to be affixed.

R. C. GRIER,
PH. DICKERSON.

UNITED STATES OF AMERICA,
District of New Jersey, ss:

I, Philemon Dickerson, junior, clerk of the United States circuit court in and for the district of New Jersey, do hereby certify, that the foregoing is a true copy of a certificate under the hands of the judges of said court, and under the seal thereof, as the same remains affiled of record in my said office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said court, this third day of October, eighteen [L. S.] hundred and fifty-four.

P. DICKERSON, JR., *Clerk.*
By JOHN M. GOULD, *Deputy.*

1856.

SUPREME COURT OF THE UNITED STATES.

No. 56.

JOHN DEN, ex dem. WILLIAM P. RATHBONE AND JOHN C. KAYSER, Pl'ff,

v.

RUTSEN SUCKLEY and MARY SUCKLEY,

ON A CERTIFICATE OF DIVISION IN OPINION BETWEEN THE JUDGES OF THE CIRCUIT COURT, U. S. FOR THE DISTRICT OF NEW JERSEY.

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Supreme Court of the United States.

JOHN DEN, by the demise of JOHN C. KAYSER and WILLIAM P. RATHBONE,
v.
RUTSEN SUCKLEY and MARY SUCKLEY.

This case comes up on a special verdict and certificate of division of opinion of the Judges of the Circuit Court of the United States for the District of New Jersey.

The case was tried at Trenton, on the twenty-seventh day of September, one thousand eight hundred and fifty-four, before his Honor Justice Grier, Circuit Judge, and his Honor Judge Dickerson, District Judge of the District of New Jersey, and a Jury.

The pleadings were as follows:

In the third Circuit Court of the United States for the New Jersey District, of the Term of September, in the year our Lord one thousand eight hundred and fifty-three.

District of New Jersey, *ss.*

John Den, a citizen of the State of New York, complained of Rutsen Suckley and Mary Suckley, citizens of the State of New Jersey, for this, to wit: That whereas John C. Kayser, of the City of New York, in the State of New York, and a citizen of the State of New York, and William Rathbone, of the County of Wirt, in the State of Virginia, and a citizen of the State of Virginia, on the third day of March, in the year of our Lord one thousand eight hundred and fifty-three, at the township of North Bergen, in the County of Hudson, in the State of New Jersey, had demised, set, and to farm let to the aforesaid John Den, a citizen of the State of New York, one messuage one tenement, one barn, one orchard, one garden, one hundred acres of arable, one hundred acres of pasture land, one hundred acres of meadow land, one hundred acres of wood land, and one hundred acres of land covered with water, with the appurtenances, situate, lying, and being in the township of North Bergen, in the County of Hudson, in the District of New Jersey aforesaid, now or late in the tenure and occupation of the said Rutsen Suckley and Mary Suckley; to have and to hold the tenements aforesaid, with the appurtenances, unto the said John Den and his assigns, from the second day of March, in the year aforesaid, for, during, and until the full end and term of fourteen years thence next ensuing, and fully to be completed and ended.

And also, that whereas the said John C. Kayser, a citizen of the State of New York, on the third day of March, in the year one thousand eight hundred and fifty-three, at North Bergen, in the County of Hudson, in the District of New Jersey aforesaid, had demised, set, and to farm let to the aforesaid John Den, a citizen of the State of New York, one messuage, one tenement, one barn, one orchard, one garden, one hundred acres of arable land, one hundred acres of pasture land, one hundred acres of meadow land, one hundred acres of wood land, and one hundred acres of land covered with water, with the appurtenances, situate, lying and being in the township of North Bergen, in the County of Hudson, in the said District of New Jersey, now or late in the tenure and occupation of the said Rutsen Suckley and Mary Suckley; to have and to hold the tenements aforesaid, with the appurtenances, unto the said John Den and his assigns, from the second day of March, in the year aforesaid, for, during, and until the full end and term of fourteen years thence next ensuing, and fully to be completed and ended.

And also, that whereas the said William P. Rathbone, a citizen of the State of Virginia, on the third day of March, in the year one

thousand eight hundred and fifty-three, at the township of North Bergen, in the County of Hudson, in the District of New Jersey aforesaid, had demised, set, and to farm let to the aforesaid John Den, a citizen of the State of New York, one messuage, one tenement, one barn, one orchard, one garden, one hundred acres of arable land, one hundred acres of pasture land, one hundred acres of meadow land, one hundred acres of woodland, and one hundred acres of land covered with water, with the appurtenances, situate, lying, and being in the township of North Bergen, in the County of Hudson, in the District of New Jersey aforesaid, now or late in the tenure and occupation of the said Rutsen Suckley and Mary Suckley, to have and to hold the tenements aforesaid, with the appurtenances, unto the said John Den and his assigns, from the second day of March, in the year aforesaid, for, during, and until the full end and term of fourteen years thence next ensuing, and fully to be completed and ended.

By virtue of which said several demises, the said John Den, a citizen of the State of New York, entered into the said several tenements with the appurtenances, and became, and was thereof possessed, until the said Rutsen Suckley and Mary Suckley, citizens of the State of New Jersey, afterwards, to wit, on the fourth day of the said month of March, in the year aforesaid, with force and arms, &c., entered into the said several tenements aforesaid, with the appurtenances, in and upon the possession of the said John Den, and ejected, drove out, and removed the said John Den from his said farm, his said term not being yet ended, and kept out, and still keeps out the said John Den so ejected, drove out and removed from his said possession, and then and there did other injuries to the said John Den, against the peace of the State, and of the District of New Jersey, and of the United States of America, and to the damage of the said John Den, one thousand dollars; and therefore, he brings this suit, &c.

J. D. MILLER, Att'y for the Pl'ff. JOHN DOE, RICHARD ROE. } Pledges, &c.

District of New Jersey, *ss.*

John Den puts in his place J. Dickerson Miller, his attorney, against Rutsen Suckley and Mary Suckley, in the plea of trespass and ejectment.

The consent rule was in the following words:

"It is ordered by the consent of the attorneys of both parties that Rutsen Suckley and Mary Suckley be made defendants, in the stead of the now defendant, Richard Fen, and do forthwith appear at the suit of the plaintiff, and receive a declaration in an action of trespass and ejectment for the premises in question, which said premises, the said parties hereby admit to be, or consist of a certain tract of land,

bounded on the north by lands of one Syms and others, on the east by lands of the Hoboken Land & Improvement Company, south by the lands of the heirs of C. Van Vorst, deceased, and others, west by lands of the heirs of Charles Heritage and others, situate at the Township of North Bergen, in the County of Hudson, and State of New Jersey, and now in the possession and occupation of the said Richard Ryan, for which they intend, as owners thereof, to defend this action of trespass and ejectment. And it is further ordered by the like consent, that the said defendants do forthwith plead thereto—not guilty; and upon the trial of the issue, confess lease, entry and ouster; and the said Richard Ryan was, at the time of the service of the said declaration, in possession of the premises hereinbefore mentioned and specified; and insist upon the title only; otherwise, let judgment be entered for the plaintiff, against the now defendant, Richard Fen, by default. And, if upon the trial of the said issue, the said defendants shall not confess lease, entry and ouster, and such possession as aforesaid, whereby the plaintiff shall not be able further to prosecute his suit herein, against the said defendants; then no costs shall be allowed for not further prosecuting the same, but the said defendants shall pay costs to the plaintiff in that case, to be taxed. And it is further ordered that if upon the trial of the said issue, a verdict shall be given for the said defendants, or if it shall happen that the plaintiff shall not further prosecute his said suit for any other cause than for not confessing lease, entry and ouster, and such possession as aforesaid, then the lessor of the plaintiff shall pay to the said defendants their costs in that case to be adjudged."

The jury empanelled to try the said case, having heard the respective proofs and allegations of the parties upon their oath, found in said case the following special verdict:

That the lease, entry and ouster were made, and possession had, as recited in the consent rules.

That Samuel Swartwout, under whom the parties claim, was seized of the premises in question, on the 10th day of November, 1838, by virtue of a conveyance to him, by Malslow P. Green and wife, dated February 2, 1835.

That a judgment was entered in the Supreme Court of New Jersey, an execution issued thereon, levies made thereon, and returned by the Sheriff of Bergen County, in said State, which judgment, execution, levies and return, are as follows.

As yet of the Term of February, in the year of our Lord 1839.

Witness,

JOSEPH C. HARNBLOWER, Esquire,

Chief Justice.

ROSSELL,

Cl'k.

New Jersey, *ss.*

James B. Murray and John Kayser put in their place Isaac H. Williamson, their Attorney, complain of Samuel Swartout, the defendant in this *the defendant in this* action being in custody, &c., of a plea that he unto the said James B. Murray and John Kayser the sum of sixty thousand dollars, which he owes to and unjustly details from them. For that, whereas the said defendant heretofore, to wit, on the seventh day of April, in the year of our Lord 1836, at Hackensack, in the County of Bergen, by his certain writing obligatory, sealed with his seal, and now here shown to this Court, the date whereof is a certain day and year above-named, to wit, the day and year aforesaid, acknowledged himself to be held and firmly bound unto the said plaintiff in the sum of sixty thousand dollars, above demanded to be paid to the said plaintiffs, yet the said defendant, although often requested so to do, hath not as yet paid the said sum of sixty thousand dollars above demanded, or any part thereof, to the said plaintiffs, but hath hitherto wholly neglected and refused, and still neglects and refuses so to do, to the damage of the said plaintiffs of one hundred dollars, and therefore they bring their suit, &c. And now at this day, to wit, the last Tuesday in February, in the year of our Lord 1839, before the Justices of the Supreme Court aforesaid, at Trenton, come the said plaintiffs by their Attorney aforesaid, and the said defendant, although solemnly called, comes not, but makes default, whereby the said plaintiffs remain therein undefended against him.

Wherefore, it is considered that the said James B. Murray and John Kayser do recover against the said Samuel Swartwout their said debt, and also twenty-four dollars and twenty-six cents for their damages by them sustained, as well by occasion of the detention of that debt as for their costs and charges by them about their suit in this behalf expended, by the Court now here adjudged to the said James B. Murray and John Kayser, and with their assent, and the said Samuel Swartwout in mercy, &c.

Judgment signed this twenty-sixth day of February, in the year of our Lord 1839.

JNO. MOORE WHITE.

[SEAL.] New Jersey, *ss.* The State of New Jersey, to our Sheriff of our County of Bergen, greeting:

We command you that of the goods and chattels of Samuel Swartwout, in your county, you cause to be made a certain debt of sixty thousand dollars, which James B. Murray and John Keyser, lately in our Supreme Court at Trenton, before the Justices of our same Court, recovered against him, the said Samuel Swartwout; and also twenty-four dollars and twenty-six cents, which, in our said

Court, before our Justices aforesaid, were adjudged to the said James B. Murray and John Kayser for their damages, which they had sustained, as well by occasion of the detention of that debt, as for their costs and charges by them about their suit in this behalf expended, whereof the said Samuel Swartwout is convicted, as appears of record; and if sufficient goods and chattels of the said Samuel Swartwout cannot be found in your county, whereof the debt and damages aforesaid may be made, then we further command you that you cause the whole or the residue, as the case may require, of the said debt and damages to be made of the lands, tenements, hereditaments, and real estate whereof the said Samuel Swartwout was seized on the seventh day of March, 1839, or at any time afterwards, in whose hands soever the same may be, and that you have those moneys before our Justices aforesaid on the second Tuesday in May next, to render unto the said James B. Murray and John Keyser, for their debt and damages aforesaid, and have you then there this writ. Witness, Joseph C. Hornblower, Esquire, Chief Justice at Trenton aforesaid, the last Tuesday in February, in the year of our Lord one thousand eight hundred and thirty-nine.

ROSSELL,
Cl'k.

New Jersey Supreme Court, Bergen.

JAMES B. MURRAY and JOHN KEYSER *v.* SAMUEL SWARTWOUT. } In debt. Fi. fa. de bon et tri.

J. H. WILLIAMSON,
Att'y.

Ret'ble May Term, 1839.

Levy debt due 7 March, 1839, . . .	$34,248 96
Costs, taxed at	24 26
	$34,273 22

Interest from 7 March, 1839, still paid.

Recorded in the Clerk's office of the Supreme Court, in Book A, 8, of process page, 365.

ROSSELL,
Cl'k.

By virtue of the within execution to me directed, I have levied on the real estate of the defendant, on the 10th day of April, 1839, an inventory whereof is hereunto annexed and filed, all of which property remains in my hands, for the want of buyers. Value, one dollar.

JACOB C. TERHUNE,
Sheriff.

New Jersey Supreme Court, Bergen.

JAMES B. MURRAY and JOHN KEYSER *v.* SAMUEL SWARTWOUT. } In case. Fi. fa. de bonis et terris.

By virtue of the above-stated writ of fieri facias, to me directed, I have levied on all the real estate of Samuel Swartwout, the defendant, in the county of Bergen, hereinafter described. That is to say, all that certain farm or lots of land and premises situate in the township of Sodi, between the rivers Pasaic and Hackensack, commonly called Swartwout meadows, said to contain four hundred and ten acres, more or less.

All that tract of land and premises at Weehawken, in the Township and County of Bergen, being a water lot purchased by Samuel Swartwout of John C. H. Waddell and others.

All that tract of land and premises at Hoboken, in the Township and County of Bergen, purchased by Samuel Swartwout from Mahlen T. Green and wife, and recorded in the clerk's office of Bergen County, containing six acres, 3 roods, and 36 poles.

All that certain tract of land and premises commonly called the Hoboken meadows, in the Township and County of Bergen, which was quit-claimed by Samuel Storm to Samuel Swartwout, as per deed dated January 13th, 1836, and records the first day of March, 1836.

All that tract of land and premises, in the Township and County of Bergen, situated at West Hoboken, purchased by Samuel Swartwout from Cyrus S. Browning and wife, by deed, bearing date the March 16th, 1837.

All that tract of land and premises, situate at West Hoboken, in the Township and County of Bergen, described in a deed from George B. Inniss, to Samuel Swartwout, dated October 22, 1836, and recorded 5th day of November, 1836.

All that tract of land and premises, in the Township and County of Bergen, at West Hoboken, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated May 1st, 1835, and recorded September 14th, 1835.

All that certain tract of land and premises, at West Hoboken, in the Township and County of Bergen, conveyed by Samuel Cassedy and Abel J. Smith, trustees of Anna Hornblower, deed to Samuel Swartwout, by deed, bearing date the first day, of May, 1835.

All that tract of land at Hoboken, in the Township and County of Bergen, conveyed by John Stephurss and wife to John, Robert, and Samuel Swartwout, by deed, bearing date the July 17, 1815, and subsequently conveyed by John and Robert Swartwout to Samuel Swartwout, by deed, dated November 28, 1821; recorded, December 4, 1821; dated April 10, 1839.

JACOB C. TERHUNE,
Sheriff.

All which we have by these presents caused to be exemplified, and the seal of our said Supreme Court, to be hereto affixed, in testimony whereof, I, William M. Force, Clerk of said Court, have hereunto set my hand, at Trenton, this 22d day of November, in the year of our Lord, 1853.

WILL'M M. FORCE,
Clerk.

State of New Jersey, *ss.*

I, Henry W. Green, Chief Justice of the Supreme Court of the State of New Jersey, in conformity to the laws of the United States of America, in such case made and provided, do hereby certify, that on the 22d day of November, instant, William M. Force was, and still is the Clerk of said Supreme Court; that the attestation of said Clerk to the foregoing record is the attestation of said Clerk, and the signature "William M. Force, Cl'k," is his genuine signature. That the seal thereto affixed, is the seal of said Supreme Court, and that the said attestation is in due form.

Witness my hand, this 22d day of November, A. D., 1853.

HENRY W. GREEN.

I, William M. Force, Clerk of the Supreme Court of the State of New Jersey, do hereby certify, that the Honorable Henry W. Green, whose name is affixed to the foregoing certificate, is now, and was at the time of signing thereof, Chief Justice of said Court, and that the signature, "Henry W. Green," is in the proper handwriting of said Justice.

Dated 22d day of November, A. D., 1853.

WM. M. FORCE,
Cl'k.

That Jacob C. Terhune, Sheriff of the County of Bergen, by virtue of said execution, sold the property levied upon, and gave to the lessors of the plaintiff a deed, acknowledged and recorded as certified thereon, which deed and certificates are as follows:

To all to whom these presents shall come or concern, I, Jacob C. Terhune, Esquire, Sheriff of the County of Bergen, in the State of New Jersey, send greeting:

Whereas, James B. Murray and John Keyser, lately in the Supreme Court of Judicature of the State of New Jersey, held at Trenton, to wit: in the term of February, in the year of our Lord one thousand eight hundred and thirty-nine, did recover by the judgment of the same court against Samuel Swartwout, the sum of sixty thousand dollars of debt, and also twenty-four dollars and twenty-six cents for their damages which they had sustained, as well by occasion of the detention of that debt, as for their costs and charges by them about their suit in that behalf expended: and whereas, afterwards,

a certain writ of fieri facias issued out of, and under the seal of the said Court, founded on the said judgment to me directed and delivered, in the words and letters following, to wit: "New Jersey, *ss.* The State of New Jersey to our Sheriff of our County of Bergen, greeting: we (seal) command you that of the goods and chattels of Samuel Sartwout, in your county, you cause to be made a certain debt of sixty thousand dollars, which James B. Murray and John Keyser, lately in our Supreme Court, at Trenton, before the Justices of said Court, recovered against him, the said Samuel Swartwout, and also twenty-four dollars and twenty-six cents which, in our said Court, before our —— Justices aforesaid, were adjudged to the said James B. Murray and John Keyser, for their damages which they had sustained, as well by occasion of the detention of that debt, as for their costs and charges by them about their suit in this behalf expended: and if sufficient goods and chattels of the said Samuel Swartwout cannot be found in your county, whereof the debt and damages aforesaid may be made, then we further command you that you cause the whole or the residue, as the case may require, of the said debt and damages to be made of the lands, tenements, hereditaments, and real estate whereof the said Samuel Swartwout was seized on the seventh day of March, eighteen hundred and thirty-nine, or at any time afterwards in whose hands soever the same may be: and that you have those moneys before our Justices aforesaid, at Trenton, aforesaid, on the second Tuesday in May next, to render unto the said James B. Murray and John Keyser for their debt and damages aforesaid, and have you then there this writ. Witness, Joseph C. Hornblower, Esq., Chief Justice, at Trenton, aforesaid, the last Tuesday in February, in the year of our Lord one thousand eight hundred and thirty-nine." Which said suit of fieri facias was duly recorded in the Clerk's Office of the said Supreme Court, in Book A, 8, of process, page 365, pursuant to the act of the legislature, relation being unto the said suit duly returned and affiled in the said Clerk's Office, or the said record thereof had, may more fully appear: the said writ before the service or execution thereof was subscribed with the name of the Attorney and Clerk by whom the same was sued forth and sealed.

And whereas, by virtue of the said writ, after the same came to my hands and before the return thereof, for want of goods and chattels of the said Samuel Swartwout in my County, I did, besides other property, seize, take, and levy on all the right, title, interest, property, claim, and demand of the said Samuel Swartwout of, in, and to all those two certain tracts or parcels of land and premises hereinafter described, that is to say: First, all that certain tract of land and premises in the Township and County of Bergen and State of New Jersey, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated the first day of May, A.D. eighteen hundred thirty-five, and recorded the fourteenth day of September, 1835,

in Liber P. 3 of Deeds for Bergen County, pages 295, 296, and 297, for fifteen acres and seventy-seven hundredths: said tract is bounded northerly by lands of George B. Inniss and others, easterly by the Hoboken Meadows, southerly by other land of Samuel Swartwout, and westerly by lands now or late of Van Wagener, Syms, and others. And second, all that certain tract or parcel of land and premises in the Township and County of Bergen, conveyed by Samuel Cassidy and Abel J. Smith, trustees of Anna Hornblower, deceased, to Samuel Swartwout, by deed bearing date the first day of May, 1835, and is recorded September 14th, 1835, in the Bergen County Book of records Leiber P. 3 of Deeds, page 298, &c., for eighteen acres and forty-seven hundredths; said land is situated at West Hoboken, and is bounded northerly by other lands of Samuel Swartwout, easterly by Hoboken Meadows, southerly by land of Samuel Swartwout and land of Cornelius Van Vorst, and westerly by land of Van Wagener, Syms, and others, reference being had to the deeds of the said Samuel Swartwout for the said tracts of land and premises, or the record thereof as aforesaid will more fully appear.

And whereas, I did, pursuant to the acts of the legislature in such case made and provided, give notice by advertisements, signed by me as Sheriff of the County of Bergen, and put up in five of the most public places in the said county, one of which said notices was put up in the Township where the said lands are situate, giving notice that I would, on the thirteenth day of July, in the year of our Lord one thousand eight hundred and thirty-nine, between the hours of twelve and five o'clock in the afternoon of said day, expose to sale the lands and premises aforesaid, at John Buck's Hotel, in Jersey City, which notices were duly put up at least two months prior to the day of sale; and which notice was also published in the "Jersey City Advertiser and Bergen Republican," a newspaper printed and published at Jersey City, in this State, and circulating most generally in the neighborhood of the said lands and premises, for at least four weeks successively once a week next preceding the said time appointed for the said sale; at which time and place I did put up and expose to sale the said tracts of land and premises aforesaid, at public vendue and outcry; and thereupon, William P. Rathbone did then and there bid for the first above-mentioned tract of land and premises, the sum of one hundred and twenty-five dollars; and no person bidding more, the same was by me, in due manner, openly cried off and sold to the said William P. Rathbone; and the said William P. Rathbone did then and there bid for the second above-mentioned and described tract of land and premises the sum of one hundred and twenty-five dollars, and no person bidding more, the same was by me, in due manner, openly cried off and sold to the said William P. Rathbone:

Wherefore know ye, that I, the said Jacob C. Terhune, Sheriff as aforesaid, in execution of the power and trust in me reposed, and

for and in consideration of the sum of two hundred and fifty dollars to me in hand paid by the said William P. Ratbone, the receipt whereof I do hereby acknowledge, and thereof do exonerate, acquit, and discharge the said William P. Rathbone, his heirs and assigns, forever by these presents; have granted, bargained, sold, assured, conveyed, and confirmed, and by these presents do grant, bargain, sell, assure, convey, and confirm unto the said William P. Rathbone, his heirs and assigns forever, the above-mentioned and described tracts of land and premises, together with all and singular the privileges, hereditaments, and appurtenances to the same or any part thereof belonging or in anywise appertaining; and also all the estate, right, title, interest, property, claim, and demand whatsoever of him the said Samuel Swartwout, of, in, and to the same, and every part thereof: to have and to hold all and singular the above granted and bargained premises with the appurtenances, unto the said William P. Rathbone, his heirs and assigns, to the only proper use, benefit, and behoof of him the said William P. Rathbone, his heirs and assigns, forever, in as full and ample a manner as I can sell, grant, and convey the same, as such sheriff as aforesaid, and by virtue of the power and authority aforesaid; subject, nevertheless, to all prior legal encumbrances, charges, arrearages, conditions, and limitations; and I, the said Jacob C. Terhune, for myself, my heirs, executors, and administrators, do hereby covenant and agree to and with the said William P. Rathbone, his heirs and assigns, that I have not done or suffered, or caused to be done any act, matter or thing whatsoever, whereby the said above granted and bargained premises, or any part thereof, are or may be changed, charged, or encumbered in a estate, title, or otherwise howsoever.

In witness whereof, I have hereunto set my hand and seal, this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and thirty-nine.

JACOB C. TERHUNE,
Sheriff.

Signed, sealed and delivered, in the presence of
ABR. WESTERVILT.

New Jersey, *ss.*

I, Abraham Westervilt, one of the Masters in Chancery of the State of New Jersey, do hereby certify, that on this twenty-fourth day of July, in the year of our Lord one thousand eight hundred and thirty-nine, before me, personally appeared Jacob C. Terhune, Esq., Sheriff of the County of Bergen, in said State, who is, I am satisfied, the grantor in the foregoing deed named, and to whom I first made known the contents thereof; and he thereupon acknowledged, that he had signed, sealed, and delivered the same, as his voluntary act and deed.

ABR. WESTERVILT,
Master in Ch'y.

Endorsed: "Jacob C. Terhune, Esq., Sheriff of Bergen Co., to William P. Rathbone, deed; Received in the Clerk's Office of the County of Bergen, the 14th day of August, A. D. 1839, and recorded in Liber A 4, of deeds, pages 269, 270, 271 and 272; Sam'l H. Berry, Clerk; Aug. 14; $1 50; W. P. Rathbone.

That William S. Rathbone made, executed, and delivered to John C. Kayser, a deed for one-third part of the premises in question, which deed was acknowledged and recorded as stated in the certificates thereon, and which deed and certificates are as follows:

This indenture, made the 8th day of September, one thousand eight hundred and forty-seven, between William P. Rathbone, of the County of Wood, in the State of Virginia, of the first part, and John C. Kayser, of the County of Richmond, in the State of New York. of the second part, witnesseth: That the said party of the first part, for and in consideration of the sum of one thousand dollars, lawful money of the United States of America, to him in hand paid, by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed, and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey, and confirm unto the said party of the second part, and to his heirs and assigns forever, all one equal third part of the two following described tracts or parcels of land and premises hereinafter described, that is to say, one equal third part of that certain tract of land and premises, in the township and County of Bergen, and State of New Jersey, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated the first day of May, A. D. 1835: bounded northerly by land now or late of John B. Inniss and others, easterly by the Hoboken meadows, southerly by land late of Samuel Swartwout, and westerly by lands now or late of Van Waggoner, Syrus, and others, the whole of said tract containing fifteen acres and seventy-seven hundredths, be the same more or less. Also, one equal third part of that certain tract or parcel of land and premises, in the township and County of Bergen, and State of New Jersey, conveyed by Samuel Cassedy and Abel J. Smith, trustees of Anna Hornblower, deceased, to Samuel Swartwout, by deed, bearing date the first day of May, A. D. 1835, situated at West Hoboken, and bounded northerly by lands late of Samuel Swartwout, easterly by Hoboken meadows, southerly by lands late of Samuel Swartwout, and lands now or late of Cornelius Van Voorst, and westerly by lands now or late of Van Waggoner, Syrus, and others; the whole of said tract containing eighteen acres and forty-seven hundredths, be the same more or less; which said two tracts were conveyed by Jacob C. Terhune, sheriff, &c., to the party of the first part by deed, bearing date the 24th day of July, A. D. 1839, and were also described in a

certain quitclaim deed, made by the said party of the first part, together with Martha M., his wife, in favor of the said party of the second part, dated the 12th day of October, A. D. 1839, and recorded in the office of the Clerk of the County of Bergen, in Liber A, and of deeds, page 522, &c., and which last-mentioned deeds these presents are intended to confirm.

Together with all and singular the tenements, hereditaments, and appurtenances, thereunto belonging, or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof. And also, all the estate, right, title, interest, property, possession, claim, and demand whatsoever, as well in the law as in equity, of the said party of the first part, of, in, or to the above described premises, and every part and parcel thereof with the appurtenances, to have and to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the said party of the second part, his heirs and assigns, for ever.

In witness whereof, the said party of the first part hath hereunto set his hand and seal, the day and year first above written.

Sealed and delivered in presence of,

[SEAL.] WM. P. RATHBONE.

RAYMOND M. SPEED.

State of New York, City and County of New York, *ss.*

On this 10th day of September, A. D. 1847, before me, Richard Goodman, Commissioner, &c., for New Jersey, personally appeared William P. Rathbone, who I am satisfied is the grantor mentioned and described in the within deed, to whom I first made known the contents thereof, and he thereupon acknowledged to me, that he signed, sealed, and delivered the same as his voluntary act and deed.

RICH'D GOODMAN,

Comm. for New Jersey.

Endorsed: "William P. Rathbone to John C. Kayser, Deed; Received in the Clerk's Office, of Hudson County, the 6th day of March, A. D. 1848, and recorded the same day, in Lib. 11, of Deeds, pages 475 and 476. R. C. Gilchrist, Cl'k. March 6th, 1848. R. M. Tysen, Attorney and Counsellor, 43 Nassau Street, New York."

That the value of the premises in dispute in this cause, exceeds three thousand dollars.

That Samuel Swartwout was Collector of Customs of the United States, for the Port of New York, on the twenty-ninth day of March, 1838, and had been for eight years next preceding.

That on the tenth of November, 1838, the account of said Samuel Swartwout, as such collector, with the United States, was

audited by the first Auditor, and certified by the first Comptroller of the Treasury; which account and certificate are as follows:

No. 811.

TREASURY DEPARTMENT,
1st Auditor's Office, Nov. 10th, 1838.

I have examined and adjusted the accounts of Samuel Swartwout, late collector of the customs, for the District of New York, in the State of New York, commencing January first, and ending March 28th, 1838, and find that he is chargeable with the following sums, viz.:

To balance of his accounts, ending 31 Dec., 1837, for Report No. 554, ...		$9,678,984 56
" duties on merchandize to March 28th, 1838,		2,212,132 71
" do. on tonnage, ...		189 34
" light money received, ...		124 25
" interest received on bonds, ...		44,103 65
" do. do. woollens, . . .		2,219 91
" net proceeds of unclaimed merchandize, .		2,307 07
" costs of suit recovered, ...		306 90
Amounts of the following warrants on treasury, viz.:		
No. 7542 dated July 16, 1838, . .	15,900	
" 7549 " " 18, " . .	40,000	
" 7818 " March 20, " . .	30,000	85,900
		$12,026,268 39

I also find he is entitled to the following credits, viz.:

By payment of inspectors to March 28, 1838, .		$69,991 75
" contingent expenses, viz.:		6,139 57
" debentures paid, ...		112,767 83
" drawback on domestic refined sugar, . .		616 75
" do. distilled spirits, . . .		57 44
" bounty on pickled fish exported, . . .		20
" disbursements for Revenue Cutter, . .		6,739 11
" do. do. boats, . . .		2,482 22
" " in relation to appraisement, . .		17,125 70
" duties on merchandize refined, . . .		71,889 99
" " " wines, ...		53 10
" " " railroad iron, ...		21 86
" amount on Bonds for duties on railroad iron, cancelled, . .	$28,031,22	
" do. suspended 3d qo 1837, for want of receipts now found,	122,643,40	150,674 62
" am't of costs of suits taxed by the Courts, .		16,509 35

By discount allowed for prompt payment of duties, ...			$887 44
" Amount of uncollected Bonds and cash transferred Jesse Hoyt, his successor in office, for which said Hoyt is to be debited and held responsible for his receipts, viz.:			
Ordinary Bonds per list A, not due per rec'pt, 29th March, 1838, ...		$1,934,415 16	
Extended Bonds, B, " "		2,905,458 97	
Renewed Bonds under fire law, C,		927,926 30	
Extended Railroad do. D, . . .		260,278 80	
Bonds in suit, E, ...		2,302,525 63	
General Bonds, wines and spirits, F, " "		17,306 90	
Cash per rec'pt, dated 29 March, 1838,	$150 00	8,347,911 76	
do. at sundry times per rec'pts and abstracts, . .	8,229 94	23,229 94	
			8,371,141 70
Amount received of duties on merchandize, together with costs decided by the Court to have been illegally exacted, refunded by order from the Comptroller, viz.:			
Amount of duties, .		$7,706 97	
Costs, .		638 77	
			8,345 74
Amount paid the following collectors per orders of the Comptroller, for which they have been respectively debited, viz.:			
Andrew of Detroit, per Report No. 377,		$2,000	
Thomas Loomies, of Sackets	do. 372,	400	
John P. Osborne, of Sag Harbor,	" 432,	1,300	
Seymore Scoville, of Niagara,	" 458,	1,000	
Geo. W. Charles, of Cambden,	" 621,	390	
In. Carrisi, of Cape Vincent,	508,	1,300	
Abrew Windale, of Michilimackinaw,	459,	877	
Elias H. Hawes, of Sandusky,	541,	338 30	
Do. do. being part of the amount paid per order of Comptroller, 22d Feb'y, '38, for which said Harris will be debited $50, ...			7,755 30
Amounts of the following warrants in favor of the Treasurer, viz:			
No. 4193, dated March 31st, 1838,		2,270 26	
4204, " " "		50,635 65	
4824, June 30, "		4,110 77	

4325,	dated June 30, 1838,	5,185 61	
4326,	" " "	1,836 07	
4353,	" " "	150 00	
4354,	" " "	2,966 24	
4355,	" " "	1,108 12	
4356,	" " "	98 56	
4357,	" " "	100	
4380,	July, 6th, "	1,789,084 60	
4390,	" 26, "	265 98	
4391,	" " "	915 12	
4392,	" " "	6,543 05	
			1,865,270 03
Commissions on dollars, 2,195,545 51		of 1 $\frac{8}{8}$, .	3,659 24
And that the balance due to the United States on the 29th day of March, 1838, amounted to, . .			1,374,119 65
			12,026,268 39

As will appear from the statements and accounts herewith transmitted for the decision of the Comptroller of the Treasury thereon.

J. MILLER,
1st Auditor.

To JAMES N. BARKER, Esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
1st Comptroller's Office, Nov. 10, 1838.

Admitted and certified.

J. N. BARBER,
Comptroller.

To S. L. SMITH, Esq.,
Register of the Treasury.

TREASURY DEPARTMENT,
Register's Office, Nov. 10, 1838.

Pursuant to the Act of Congress, of March 3d, 1797, entitled An act to provide more effectually for the settlement of accounts between the United States, and receivers of public money, I, Thomas L. Smith, Register of the Treasury Department, do hereby certify, that the aforegoing is a true transcript from the books and proceedings of the Treasury.

(Signed), S. L. SMITH,
Register.

Be it remembered, that Thomas L. Smith, Esquire, who certified the aforegoing manuscript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto subscribed

my name, and caused to be affixed the seal of this De-
[SEAL.] partment, at the City of Washington, this tenth day of November, in the year of our Lord 1838.

(Signed), LEVI WOODBURY,
Secretary of the Treasury.

That a distress warrant was therefore issued to the Marshal of New Jersey, by the Solicitor of the Treasury, upon said account, certified by said First Comptroller to said Solicitor, and levies made by said Marshal, which levies were made and recorded in the office of the Clerk of the District Court of New Jersey, with said warrant and account at the times respectively in said levies, and the certificates of recording thereon endorsed stated.

Which distress warrant, account, levies, and certificates, are in the words following:

"To the Marshal of the United States, for the District of New Jersey.

Whereas, Samuel Swartwout, late Collector of the Revenue for the port of New York, became indebted to the United States in the sum of one million three hundred and seventy-four thousand one hundred and nineteen dollars and sixty-five cents, agreeably to the account truly stated by the accounting officers of the Treasury, and certified by the First Comptroller of the Treasury, of which a copy is herewith transmitted. And whereas, the sum of thirty thousand dollars has been paid on account of the said debt, so that the sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout; and whereas, the said Samuel Swartwout has failed to pay over, according to law, the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents.

These, therefore, are to command you in pursuance of the Act of Congress, entitled "An Act providing for the better organization of the Treasury Department," passed on the 15th day of May, 1820, to levy, take, and sell the estate of the said Samuel Swartwout, and of Benjamin Birdsale, Charles L. Livingston, Mangles M. Quackenbos, the sureties of the said Samuel Swartwout, which may be situate in your district, according to the provisions of the said Act. And in executing this warrant you will, by yourself or deputies, proceed to levy and collect the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remaining due, by distress and sale of the goods and chattels of the said Samuel Swartwout, in the manner prescribed by the said Act; and if the said goods and chattels be not sufficient to satisfy this warrant, you will levy the same on the person of the said Samuel Swartwout, and in case he should not satisfy the same, you will commit him to prison, there to remain until discharged by due course of

law; and if goods and chattels of the said Samuel Swartwout are not found sufficient to satisfy this warrant, you will proceed to levy and collect the sum of one hundred and fifty thousand dollars, if so much of the said sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout, by distress and sale of the goods and chattels of Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss, of the City of New York, who are sureties of the said Samuel Swartwout in the said sum of one hundred and fifty thousand dollars, in the manner prescribed by the same Act; and you are hereby further commanded, to cause to be recorded forthwith, in the office of the Clerk of the District Court of your District, the levy made by virtue hereof, upon the lands, tenements, and hereditaments of the said Samuel Swartwout, Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss, with the date of the said levy; and you are hereby further commanded, if the goods and chattels of the said Samuel Swartwout, Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss, are not sufficient to satisfy the sum that may remain due, to sell, in the manner prescribed by the said Act, the lands, tenements, and hereditaments of the said Samuel Swartwout, and of the said Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss, or so much thereof as may be necessary to satisfy the sum that may remain due; provided always, that you make by the levy and sale of the lands, tenements, and hereditaments of the said Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss, sureties of the said Samuel Swartwout, only such part of the sum of one hundred and fifty thousand dollars before mentioned as shall have remained due after the sale of the goods and chattels of the said Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss.

And all moneys that may remain of the proceeds of such sale, after satisfying this warrant, and paying the costs and charges of executing the same, you are required to return to the said Samuel Swartwout, or to his sureties whose property has been sold, as the case may be; and whatever you may do in obedience to this warrant you will make return thereof to the office of the Solicitor of the Treasury, and for your so doing, this shall be your sufficient authority.

Given under my hand and seal, this twelfth day of November, Anno Domini one thousand eight hundred and thirty-eight.

(Signed), H. D. GILPIN,
Solicitor of the Treasury.

No. 811.

TREASURY DEPARTMENT,
First Auditor's Office, Nov. 10th, 1838.

I have examined and adjusted the accounts of Samuel Swartwout,

late Collector of Customs for the District of New York, in the State of New York, commencing January first, and ending March 28th, 1838, and find that he is chargeable with the following sums, viz.:

To balance of his account ending 31 Dec., 1847, for Report No. 554, ...		$9,678,984 56
" Duties on merchandize, to March 28, 1838,		2,212,132 71
" Ditto on tonnage, ...		189 34
" Light-money received, ...		124 25
" Interest received on Bonds, . . .		44,103 65
" Ditto ditto Woollens, . . .		2,219 91
" Net proceeds of unclaimed merchandize, .		2,307 07
" Costs of suits recovered, ...		306 90
Amount of the following Warrants on the Treasury,		
Viz., No. 7542, date January 16, 1838,	$15,900 00	
7549, " " 18, "	40,000 00	
7818, " March 20, "	30,000 00	
		85,900 00
Dollars		$12,026,208 39

I also find he is entitled to the following credits, viz.,

By payment of Inspectors to March 28, 1838, .		69,991 75
" Contingent expenses, ...		6,139 57
" Debentures paid, ...		112,767 83
" Drawback on domestic refined sugar, . .		616 75
" " " distilled spirits, . . .		57 44
" Bounty on pickled fish exported, . .		20 00
" Disbursements for Revenue Cutter, . .		6,739 11
" do. do. boats, . .		2,482 22
" do. in relation to appraisement, . .		17,125 70
" Duties on merchandise refunded, . .		71,889 99
" " " wines, ...		53 10
" " " railroad iron, ...		21 86
By amount of bonds for duties on railroad iron cancelled, .	$28,031 22	
" Do. suspended in 3d qr., 1837, for want of receipts, now found,	122,643 40	
		150,674 62
" Amount of costs of suits taxed by the Court, .		16,509 35
" Discounts allowed for prompt payment of duties,		887 44
" Amount of uncollected bonds and cash transferred to Jesse Hoyt, his successor in office, for which said Hoyt is to be debited and held responsible, per his receipts, viz.,		
Ordinary Bonds, per list A, not due per receipt, 29th March, 1838, .	$1,934,415 16	

Extended Bonds, B,		2,905,458 97	
Renewed Bonds under Fire Law, C,		927,926 30	
Extended Railroad do. D,		260,278 80	
Bonds in suit, E,		2,302,525 68	
General Bonds, wines and spirits, F,		17,306 90	
		$8,347,911 76	
Cash for recpt. dated 29 March, 1838, .	$15,000 00		
Do. at sundry times, per recpt. and abstract,	8,229 94		
		23,229 94	
			8,371,141 70

Amount received of duties on merchandize, together with costs, decided by the Court to have been illegally exacted, refunded by order from the Comptroller, viz.,

Amount of duties, ...	$7,706 97	
Costs, ...	638 77	
		8,345 74

Amount per the following Collectors, per order of the Comptroller, for which they have been respectively debited, viz.:

Andrew French, of Detroit, per Report No. 377, ...	$2,000 00	
Thomas Loomis, Sackets Hbr., per Report No. 372, ...	500 00	
John S. Osborne, Sag Harbor, per Report No. 432, ...	1,300 00	
Seymore Scoville, Niagara, per Report No. 458, ...	1,000 00	
George W. Charles, Cambden, per Report No. 621, ...	390 00	
Jn. Carrisi, Cape Vincent, per Report No. 508, ...	1,300 00	
Abraham Windale, Michilimackinac, per Report No. 459, . . .	877 00	
Elias H. Harris, Sandusky, per Report No. 541, ...	338 30	
Do. do., being part of the amount paid per order of the Comptroller, 22d Feb'y, 1838, for which said Harris's bill will be debited, . . .	30	
		7,755 30

Amount of the following Warrants in favor of the Treasurer, viz.,

No. 4193	dated	March	31,	1838,	$ 2,270 26
" 4204	"	"		"	50,635 65
" 4824	"	June	30,	"	4,110 77
" 4325	"	"		"	5,185 65
" 4326	"	"		"	1,836 07
" 4353	"	"		"	150 00
" 4354	"	"		"	2,966 24
" 4355	"	"		"	1,108 12
" 4356	"	"		"	98 56
" 4357	"	"		"	100 00
" 4380	"	July	6,	"	1,789,084 60
" 4390	"	"	26,	"	265 98
" 4391	"	"	"	"	915 12
" 4392	"	"	"	"	6,543 05
					$1,865,270 03
Commission on $2,195,545 51, ½ of 1⅜ . .					3,659 24
And that the balance due to the United States on the 29th day of March, 1838, amounted to .					1,374,119 65
					$12,026,268 39

As will appear from the statements and accounts herewith transmitted, for the decision of the Comptroller of the Treasury thereon.

(S'd), J. MILLER,
1st Auditor.

To JAMES N. BARKER, Esq.,
Comptroller of the Treasury.

TREASURY DEPARTMENT,
1st Comptroller's Office, Nov. 10, 1838.

Admitted and certified.

To T. L. SMITH, Esq.,
Register of the Treasury.

J. N. BARKER,
Comptroller.

TREASURY DEPARTMENT,
Register's Office, Nov. 10, 1838.

Pursuant to the Act of Congress, of March 3d, 1797, entitled an "Act to provide more effectually for the settlement of accounts between the United States and receivers of public moneys," I, Thomas L. Smith, Register of the Treasury Department, do hereby certify, that the aforegoing is a true transcript from the books and proceedings of the Treasury.

(S'd), T. L. LYNCH,
Register.

Be it remembered, that Thomas L. Smith, Esquire, who certified the aforegoing transcript, is now, and was at the time of doing so, Register of the Treasury of the United States, and that full faith and credit are due to his official attestation.

In testimony whereof, I, Levi Woodbury, Secretary of the Treasury of the United States, have hereunto [SEAL.] subscribed my name, and caused to be affixed the seal of this Department, at the city of Washington, this tenth day of November, in the year of our Lord 1838.

(S'd), LEVI WOODBURY,
Secretary of the Treasury.

Received in my office, on the 14th day of November, in the year 1838, at twelve o'clock, noon.

(S'd), JOHN S. DARCY,
Marshal.

The execution of this warrant or writ, will appear by the levy hereunto annexed, signed by me, and bearing date the 14th day of November, 1838.

(S'd), JOHN S. DARCY,
Marshal.

On the fourteenth day of November, A. D. 1838, I levied on the following tracts or parcels of land and premises, situate, lying, and being in the township of Lodi and Bergen, in the County of Bergen, and State of New Jersey, viz.:

All that tract of land and premises in the township of Bergen, described in the following deed:

JOSIAH HORNBLOWER
to
SAMUEL SWARTWOUT.

Deed dated the 1st day of May, A. D. 1835, and recorded the 14th day of Sept'r, A. D. 1835, in Liber R, 3, of deeds for Bergen County, pages 295, 296, and 297, for 15 acres and $\frac{27}{100}$.

Also, all that tract of land and premises, in the township of Bergen, described in the following deed, viz.:

CYRUS S. BROWING and wife
to
SAMUEL SWARTWOUT.

Deed dated March 16th, 1837, and recorded April 12th, 1837, in Liber V, 3, of deeds for Bergen County, pages 355, 356, and 357, for $\frac{70}{100}$ of an acre.

Also, all that tract of land and premises, in the township of Bergen, described in the following deed, viz.:

GEORGE B. INNESS
to
SAMUEL SWARTWOUT.

Deed dated 22d day of October, 1836, and recorded the first day of November, 1836, in Liber S, 3, of deeds for Bergen County, pages 460, 461, 462, and 463, for seven acres $\frac{3}{100}$.

Also, all that tract of land in the township of Bergen, described or referred to in a certain release or quitclaim, from Samuel Storm to Samuel Swartwout, dated the 13th day of January, 1836, and recorded the first day of March, 1836, Liber Q, 3, of deeds for Bergen County, pages 443, 444, and 445, for 333 acres, more or less, known as the Hoboken Meadow.

Also, all that tract of land and premises, in the township of Bergen, described in the following deed, viz.:

MAHLON P. GREEN and wife
to
SAMUEL SWARTWOUT.

Deed dated the 2d day of February, 1835, and recorded the 18th day of February, 1835, in Liber N, 3, of deeds for Bergen County, pages 103, 104, and 105, for six acres three roods and thirty-six poles.

Also, all that tract of land and premises, in the township of Bergen, described in the following deed, viz.:

ANTHONY DEY and wife
to
SAMUEL SWARTWOUT.

Deed dated the 30th day of April, 1825, and recorded the 5th day of July, 1825, in Liber V, 2, of deeds for Bergen County, pages 489, 490, 491, and 492, for 132 acres and ½.

Also, all that tract of land and premises, in the township of Bergen, described in the following deed, viz.:

JOHN STEVENS and wife
to
SAMUEL SWARTWOUT and others.

Deed dated the 17th July, 1815, and recorded the 20th day of July, 1815, in Liber L, 2, of deeds for Bergen County, pages 359 and 360, for two acres and $\frac{4}{100}$.

Also, all that tract of land and premises, in the township of Bergen, at Weehawken, being a rated lot of about nineteen acres, purchased by Samuel Swartwout of Wm. C. H. Wadell, Archer Gifford, and Francis N. Brimley, bounded by lands of persons to me unknown.

Also, all those tracts or parcels of land and premises, in the township of Lodi, in the County of Bergen, and State aforesaid, situate, lying and being in what is commonly called Hackensack Meadows, purchased in parcels at *at* different times, by Samuel Swartwout, of Nathaniel Crane, Stephen Fordham, Richard Vamiper, Cornelius Vamiper, David Corley, Thomas Vanbelson, Martin Winne, Peter Henry Winne, Aaron Quimby, *Quimby*, Caleb Smith, Ezra Gildersleeve, John Quimby, Jacob G. Outwater, William Halsey, and others. These whole tracts or parcels of land lay between the rivers

Passaic and Hackensacke, and are bounded in part by those rivers and the Newark Bay. The New Jersey Railroad and Morris Canal passes through those premises. They are also bound by lands of Anthony Day, Mr. Foot, and others, to me unknown, and contain 333 acres, more or less, and are known as Swartwout's Hackensacke Meadows.

I have also levied on all the right, title, and interest of Samuel Swartwout in the Morris Canal and Banking Company, and on all the shares of stocks in said company, owned by him, the said Samuel Swartwout.

I have also levied on all the lands, tenements, hereditaments, with the appurtenances thereto belonging as above described, as well as all others belonging to the said Samuel Swartwout, wheresoever located in the District of New Jersey.

The above levy is made subject to all prior legal claims and demands, value one dollar.

(Signed), JOHN S. DARCY,
Marshal for the District of New Jersey.

Endorsed: Recorded in Book A, of Executions, pages 18, 19, 20, 21, 22, 23, 24, 25, and 26, in the Clerk's Office of the District Court of the United States, for the District of New Jersey, Nov. 15, 1838.

(Signed), ROBERT D. SPENCER,
Cl'k.

The service of this writ will appear by levies and inventories hereunto annexed.

(Signed), JOHN S. DARCY,
Marshal.

The UNITED STATES
v.
SAMUEL SWARTWOUT.

Distress Warrant, &c.

By virtue of the above stated writ, I have, this second day of February, A. D., 1839, levied on the following tracts of land and premises, situate, lying, and being in the City of Newark, in the County of Essex, and State of New Jersey, which levy is supplementary to and in addition to my former levies, made under the above-stated writ, on the fourteenth day of November, A. D. 1838, particulars of which are herein contained in inventory above annexed.

I have also, this second day of February, A. D. eighteen hundred and thirty-nine, by virtue of the aforesaid writ to me directed, levied on all the estate, right, title, claim, interest, and demand in law or equity, of the aforesaid Samuel Swartwout, of, in and to the land and premises hereinafter mentioned and described as follows, in sundry deeds to Henry Yates, as follows, as taken from the records of deeds in and for the said County of Essex, viz.:

JONN S. JACKSON and wife
to
HENRY YATES.

Deed dated October, 1834, S, 3, of deeds p. 452, &c. All those four lots (Nos. 13, 14, 17, 18), tracts or parcels of land and premises hereinafter particularly described, situated, lying and being in the Township of Newark, in the County of Essex, and State of New Jersey. Lots Nos. 13 and 14 are described as follows: beginning at the northeasterly corner of said lot, numbered 13, 360 feet W. of the property of Christopher Van Embury, and from said corner running N. 17 degrees E. to Pasaic River; thence along said river as the same runs to the W. line of said lot numbered 14; thence S. 17 degrees W. to a street called Jersey Street; thence along said street S. 83 degrees E. 60 feet to the beginning corner. Lots No. 17 and 18 are described as follows. Beginning at the S. easterly of lot No. 17, 60 feet W. of aforesaid lot No. 14; thence running N. 17 degrees E. to Pasaic River, and thence along the same as the same runs to the west line of the said lot No. 18; thence S. 17 degrees W. to said Jersey Street, thence S. 83 degrees E. 60 feet to the beginning corner.

Said four lots aforesaid being 30 feet each on Jersey Street, and running to the river. All of which lots are part of the property of Caleb Wheeler, on the margin of the Pasaic River, and are marked and designated on a map thereof filed in the Clerk's office of the County of Essex, and were conveyed to the party of the first part by Prudden Alling and wife, by deed recorded in book Q, 3, of deeds for said county, in pages 482, 483, and 484.

ASHBEL W. CAREY and wife
to
HENRY YATES.

Deeds dated 5th November, 1834, S, 3, of deeds, page 453, &c. All that lot of land, parcel of the land formerly of Caleb Wheeler, deed and conveyed to said Ashbel W. Corey by deed from Prudden Alling and wife, dated on or about the 31st of March, 1834, and marked and designated on a map of said property, filed in the office of the Clerk of said County of Essex, as lot numbered 16 on the bank or shore of the Pasaic River, in the Township of Newark aforesaid, beginning at the south corner of said lot 450 feet W. of land of Christopher Van Embery, and from thence running N. seven degrees E. to said river; thence along the same, the course thereof to the W. line of the lot, 30 feet more or less; thence S. 7 degrees W. to the road; thence along the same S. 83 degrees 30 feet, to the beginning. Also lot marked and described on said map as number 40, and conveyed as aforesaid. Beginning at the corner of the lot 220 feet W. of the line on the intersection of Jersey Street and Front Street; and from said corner running N. 60 degrees W. 30 feet, thence south 30 degrees W. 61 feet, thence south 7½ degrees

W. 61 feet to said Front Street, thence S. 82½ degrees E. 30 feet; thence N. 7½ degrees E. 55 feet 7 inches; thence north 30 degrees E. 55 feet seven inches to the beginning. Also three adjoining lots, being part of the property aforesaid, and were conveyed as aforesaid; and are marked and described on the map aforesaid as lots numbered 65, 66, and 67. Beginning at the S. corner of said lot 65, 120 feet S. easterly from the N. line of said property which was of Caleb Wheeler, dec'd, and from said corner running N. 30 degrees east 100 feet; thence N. 60 degrees W. along the rear of said lots 65, 66, and 67, 90 feet, thence S. 30 degrees W. 100 feet to the northerly side of Front Street; thence S. 60 degrees E. along the said 3 lots 90 feet to the beginning corner.

JOHN H. POUNDER and wife
to
HENRY YATES.

Deed dated 5th November, 1834, S, 3, of deed, p. 453. All that lot, tract, parcel of land and premises hereinafter particularly described, situate, lying and being in the Township of Newyork in the County of Essex, and State of New Jersey. Beginning at the west corner of said lot, being on the corner of Front Street and the street in first passage-way along the canal basin, and being in the westermost line of the property formerly of Caleb Wheeler, dec'd, and from said corner running N. 30 degrees east 100 feet; thence south 60 degrees E. 30 feet, thence south 30 degrees west 100 feet to Front Street; thence along the same N. 6 degrees west 30 feet to the beginning corner. Said lot is part of the property of the said Charles Wheeler, deceased, and is marked and designated on a map thereof now filed in the office of the Clerk of said County of Essex, as lot numbered 68, and was conveyed to the said John H. Pounder by deed from Prudden Alling and wife, bearing date the 31st day of March, A. D. 1834.

WILLIAM STEVENS and wife
to
HENRY YATES.

Deed dated 5 Nov'r, 1834, in S, 3, fol. 457, &c.

All those two several lots of land and premises, situate, lying and being on the bank or shore of Pasaic River, in the Township of Newark, being part of the property formerly of Caleb Wheeler, deceased, and were conveyed to the said William Stevens, by Prudden Alling and wife, by deed dated the 31st day of March, A. D. 1834; said lots are marked and described on a map of said property, filed in the office of the Clerk of the said County of Essex, as lots numbered 11 and 12, being adjoining lots, that is to say, beginning at the S. corner of said lot numbered 11, 300 feet W. of the land of Christopher Van Embury, and from said corner running N. 7 degrees E. to Pasaic River, thence along said river the courses thereof to the westerly line of

said lot number 12, thence along the same S. 7 degrees W. to the road, *thence along the same S. 7 degrees W. to the road*, thence along the same S. 83 degrees E. 60 feet to the beginning; also all that lot of land, being part of the property before mentioned, and marked and designated on the map aforesaid as lot No. 41, on the south side of the street called Jersey Street, and conveyed to the said William Stevens as aforesaid. Beginning at the easterly corner of said lot 190 feet west of the line on the intersection of said Jersey Street and the River Road, called Front Street, and from said corner running N. 60 degrees W. 30 feet, thence south 30 degrees W. 55 feet 7 inches; thence again south 7½ degrees W. 55 feet 7 inches to said Front Street; thence along said street S. 82½ degrees E. 30 feet, thence N. 7½ degrees E. 50 feet 2 inches, thence north 30 degrees E. 50 feet 2 inches to the beginning corner.

PRUDDEN ALLING and wife
to
HENRY YATES.

Deed dated 14th Nov'r, 1834, S, 3, of Deeds, page 459, &c.

All those lots of land, being part of the property formerly of Caleb Wheeler, deceased, in Newark, upon the shore or bank of Pasaic River, and are marked and designated on a map of said property, filed in the Clerk's Office of Essex County, as lots numbered 1, 2, 3 and 4, being adjoining lots.

Beginning at the southerly corner of said lot numbered, and which is in the W. line of land of Christopher Van Embury, and from said corner running N. 7 degrees E. to said Pasaic River; thence along the same the several courses thereof to the W. line of said lot numbered four; thence along said line S. 7 degrees W. to the River Road; thence along said road S. 83 degrees E. 120 feet to the beginning corner.

Also lot No. 15 on said map, being part of the property aforesaid, beginning at the southerly corner of said lot, 300 feet W. of the W. line of said lot numbered four, and from corner running N. 7 degrees E. to the river; thence along the same the several courses thereof 30 feet more or less to lot numbered 16 on said map; thence south 7 degrees W. to the road; thence along the same south 83 degrees E. 39 feet to the beginning corner; also lots numbered 21, 22, and 23, being adjoining lots, on said map, and also part of the property aforesaid. Beginning at the S. corner of said lot 21, 150 W. of the westerly line of said lot numbered 15, and from said corner running N. 7 degrees E. to said Pasaic River; thence along said river the several courses thereof to the N. W. line of said lot No. 23; thence along said line S. 30 degrees W. to Jersey Street; thence along the same S. 10 degrees E. 80 feet; thence again S. 83 degrees E. 46 feet to the beginning. Also those four lots of land, being also part of the property aforesaid, situated on the southerly side of Jersey Street, and marked and designated on said map, as lots numbered

37, 38, 39, and 40, beginning at the east corner of said lot numbered 37, being on the line of intersection of Jersey and Front Streets, and from said corner running N. 60 W. 190 feet along the southerly side of said Jersey Street to the westerly line of said lot numbered 40; thence south 30 degrees W. 50 feet 2 inches to said Front Street; thence along the same S. 82½ degrees W. 190 feet to said line on the intersection of Jersey and Front Streets; thence along said line northerly 24 feet to the beginning. Also, those two adjoining lots, marked and designated on said map as numbered 57 and 58; beginning at the S. corner of said lot, No. 57, 280 feet W. of said line of intersection of Jersey and Front Streets, and from said corner running N. 7½ deg. E. 66 feet 4 inches; thence N. 72 deg. 15 minutes W. to the west line of said lot No. 58; thence S. 7½ deg. West 77 feet 2 inches to said Front Street; thence along the same S. 82½ deg. E. 60 feet to the beginning. Also those three adjoining lots, part also of said property, and marked and designated on said map as lots numbered 62, 63, and 64; beginning at the S. corner of said lot, numbered 62, on the south side of Front Street, 90 feet W. of said lot 58, and from said corner running N. 7½ deg. E. 92 feet 4 inches; thence N. 72 deg. 15 min. W. to said lot, numbered 63; thence north 60 degrees W. 60 feet; thence S. 30 degrees W. 100 feet to said Front Street; thence along the same S. 60 deg. E. 84 feet more or less; thence again S. 82½ deg. E. 44 feet more or less to the beginning.

PRUDDEN ALLING and wife
to
HENRY YATES.

Deed dated 28th January, 1835, S, 3, 461, &c. All those lots or parcels of land and premises situate in Newark, on the shore or bank of the Passaic River, formerly the property of Caleb Wheeler, deceased, marked and designated on a map thereof, filed in the office of the clerk of said county of Essex, as lots numbered five, six, seven, eight, nine, and ten, beginning at the S. corner of said lot numbered 5, 120 feet W. of the west line of the lands of Christopher Van Amburg, and from said corner running north 7 degrees E. to said Passaic River; thence along the course thereof to the west line of said lot numbered 10, thence along said line S. 7 deg. W. to a street laid down in said map called Jersey Street, and thence along said street south 83 deg. E. to the beginning corner. Each of said lots containing in width in front in Jersey Street aforesaid 30 feet. Also lot numbered 56 on said map, part of the property aforesaid, beginning at the S. corner of said lot on the N. side of a street called Front Street, as laid down in said map; which corner is 250 feet W. of the line on the intersection of said Jersey and Front Streets, and from said corner running N. 7½ deg. E. 61 feet; thence N. 72 deg. 15 minutes W. to lot numbered 57; thence south 7½ W. 66 feet 4 inches, to said Front Street, and thence along said street

S. 82½ deg. E. 30 feet to the place of beginning. Also those three lots adjoining each other, marked and designated on said map as lots numbered 59, 60, and 61. Beginning at the S. corner of lot No. 59, 60 feet west of the west line of said lot No. 56, last described, and from said corner running 7½ degrees E. 77 feet 2 inches; thence N. 72 degrees 15 minutes W. along the rear line of said lots, numbered 59, 60, and 61, to the west line of said lot, numbered 61, and being the division line between said lot and lot numbered 62; thence along said line S. 7½ degrees W. 92 feet 4 inches to said Front Street; thence along the N. line thereof S. 82½ degrees E. 90 feet to the beginning corner.

The above levy is made subject to all prior legal claims and demands. Value ten cents.

(Signed), JOHN S. DARCY,
Marshal for the Dist. of New Jersey.

THE UNITED STATES
v.
SAMUEL SWARTWOUT.

Distress Warrant from the Solicitor of the Treasury.

By virtue of the above stated writ I have this twenty-fifth day of February, A. D. eighteen hundred and thirty-nine, levied on the following tracts or parcels of land and premises, situate, lying, and being in the Township and County of Bergen, and State of New Jersey, which levy is further supplementary to my former levy, made under the above stated writ on the fourteenth day of November, A. D. 1838. The first tract contains 18 acres and $\frac{47}{100}$, and conveyed by Samuel Cassiday and Abel Smith, trustee of Anna Hornblower, deceased, to Samuel Swartwout, by deed bearing date the 1st day of May, 1835, and is recorded Sept'r 14, 1835, in the Bergen County Book of Records, Liber P, 3, of Deeds, page 298, as by reference thereto will more fully appear. Also one other tract of land and premises, containing 2 acres and $\frac{47}{100}$, conveyed by John Storms and wife to John, Robert, and Samuel Swartwout, by deed, July 17, 1815, and recorded, July 20, 1815, in the records of said County of Bergen, Liber L, 2, of Deeds, page 359. This said tract of land was conveyed by John and Robert Swartwout, by deed, dated November 28, 1821, in Liber S, 2, of Deeds for Bergen County, page 239.

The above levy is made subject to all prior legal claims and demands; value one dollar.

JOHN S. DARCY,
Marshal for the District of New Jersey.

Recorded, March 1st, 1839, in the Clerk's Office of the U. States District Court for the District of New Jersey, in Book A of Executions, pages 31 and 32.

(Signed), ROBERT D. SPENCER,
Clerk.

United States of America.

TREASURY DEPARTMENT,
Solicitor's Office, Feb'y 9, 1854.

Pursuant to the Act of Congress, passed Feb'y 22d, 1849, I hereby certify that the foregoing 20 pages contain a true and complete copy of original papers on file in this office.

In witness whereof I have hereunto set my hand and
[L. S.] the seal of the office of Solicitor, to be affixed on the day and year first above written.

F. B. STREETER,
Solicitor.

That said Marshal advertised said premises for sale by the following advertisement.

United States Marshal's Sale. By virtue of a Warrant of Distress, issued by the Solicitor of the Treasury of the United States, pursuant to the Act of Congress, passed 15th of May, 1820, to me directed and delivered, commanding me, in pursuance of the act aforesaid, to take and sell the estate of Samuel Swartwout, Benjamin Birdsale, Charles L. Livingston, and Mangle M. Quackenboss, as by reference to said warrant, or record thereof, in the office of the Clerk of the District Court for the District of New Jersey, will more fully appear; I have levied on the real estate hereinafter described, and will dispose, at public auction, at John Buck's Hotel, in Jersey City, on Saturday, the twentieth day of April next, between the hours of twelve at noon and five o'clock P. M., the sale to commence at *at* one (1) o'clock P. M. on that day, of all the right, title, and interest of the said Samuel Swartwout in and to the same, which he had on the fourteenth day of October last, or at any time afterwards, viz.:

No. 8. All that certain farm, or lots of land, and premises, situate in the Township of Lodi, in the County of Bergen, in the State of New Jersey, lying between the rivers Passaic and Hackensack, and commonly called Swartwout's Meadows, "bounded on the west by lands of Isaac Foot, west and southerly by the Passaic River, south by the Newark Bay, easterly by lands of Anthony Day, Esq., and others, on the north principally by the Newark Bridge Road, said to contain four hundred and ten acres, more or less.

[9] All that tract of land and premises at Weehawken, in the township and county of Bergen, being a water lot, purchased by Samuel Swartwout of William C. H. Waddell, Archer Gifford, and Francis W. Brinley, bounded by lands of persons to me unknown.

No. 2. All that certain tract of land and premises at Hoboken, in the township and county of Bergen, which was purchased by Samuel Swartwout of Mahlon S. Green and wife, as per deed, dated February 2, 1835, and recorded on the 18th day of February, 1835, in Liber No. 3, of Deeds, for Bergen County, in pages 103, 104, and 105, for six acres, three rods, and 36 poles; said tract is bounded,

northerly, by lands of John J. Benson and C. S. Watkins, easterly by lands of the heirs of John Stevens, dec'd, southerly by Bergen Road, and westerly by the eastern line of the Hoboken Meadows property.

All that certain tract of land and premises, commonly called the Hoboken Meadows, in the township and county of Bergen, which was quitclaimed by Samuel Storm to Samuel Swartwout, as per deed, dated the 13th day of January, 1836, and recorded the first day of March, 1836, in Liber Q, 3, of Deeds, for Bergen County, pages 443, 444, and 445, for three hundred and thirty-three acres, more or less; said tract is bounded, northerly, by Weehawken Cove; northeasterly and easterly by land of the heirs of John Stevens; easterly by other lands of Samuel Swartwout, and lands of the heirs of John Stevens; southwesterly by lands of Henry Waphragen and heirs of John Van Vorst; westerly by lands of the heirs of John Stevens; and northwesterly by lands of the heirs of Charles Loss, deceased.

All that certain tract of land and premises in the township, county of Bergen, situate at West Hoboken, purchased by Samuel Swartwout, as will more fully appear by a deed of Cyrus S. Browning and wife to said Swartwout, dated March 16, 1837, and recorded April 12, 1837, in Liber V, 3, of deeds for Bergen County, pages 355, 356, and 357, for seventy hundredths of an acre; said lot is bounded on the north and south by other lands of Samuel Swartwout, on the east by lands of the heirs of John Stevens, deceased, and west by Palisade Avenue.

No. 5. All that certain tract or parcel of land and premises in the township and county of Bergen, described in a certain deed from George B. Inniss to Samuel Swartwout, bearing date, October 22d, 1836, and recorded the fifth day of November, 1836, in Liber T, 3, of deeds for Bergen County, pages 460, 461, 462, and 463, for seven acres and three-hundredths; said tract is bounded, north, by land of the heirs of John Stevens, and other lands of said Swartwout; easterly by land of the heirs of John Stevens; southerly by land of the heirs of John Van Voorst, dec'd; and westerly by Palisade Avenue.

[3] All that certain tract of land and premises, in the township and county of Bergen, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated the first day of May, A. D. 1835, and recorded the 14th day of Sept'r, 1835, in Liber P, 3, of Deeds for Bergen County, pages 295, 296, and 297, for fifteen acres and $\frac{77}{100}$; said tract is bounded northerly by lands of Geo. B. Inniss and others; easterly by the Hoboken Meadows; southerly by other land of Samuel Swartwout; and westerly by lands now or late of Van Wagener, Syms, and others.

[4] All that certain tract or parcel of land and premises, in the Township and County of Bergen, conveyed by Samuel Cassedy and Abel J. Smith, trustees of Hannah Hornblower, dec'd, to

Samuel Swartwout by deed, bearing date the first day of May, 1835, and is recorded, September 14, 1835, in the Bergen County Book of Records, Liber P, 3, of deeds, page 293, for 18 acres and $\frac{47}{100}$; said land is situated at West Hoboken, and is bounded northerly by other lands of Samuel Swartwout, easterly by Hoboken Meadows, southerly by land of Samuel Swartwout and land of Cornelius Van Voorst, and westerly, by land of Van Wagener, Syms, and others.

All that tract or parcel of land and premises, containing two acres
[7] and $\frac{47}{100}$, conveyed by John Stevens and wife to John, Robert, and Samuel Swartwout, by deed, dated July 17, 1815, and recorded July 20, 1815, in the records of Bergen County, Liber L, 2, of deeds, page 359; this said lot of land, was conveyed by John and Robert Swartwout and wives, to Samuel Swartwout by deed, dated 28th of November, 1821, and recorded December 4, 1821, in Liber S, 2, of deeds of Bergen County, page 239; said tract is situated in the Village of Hoboken, and is bounded on the north by the Bergen Road, and on the east, south, and west, by lands belonging to the heirs of the estate of John Stevens, dec'd.

Also, all the right, title, interest, claim and demand of the said
[10] Samuel Swartwout, either in law or equity of in and to the following described lots of land and premises, on the second day of February last, and at any time thereafter, viz.: All those certain lots or parcels of land and premises, situated, lying and being in the City of Newark, in the County of Essex, and State of New Jersey, known and distinguished on a map or draft of said land, recorded in the Clerk's office of said County of Essex, as lots numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 37, 38, 39, 40, 41, 42, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, being part of the property, formerly owned by one Caleb Wheeler, and by him conveyed to Pruddin Alling, by whom it was divided into lots, and sold pursuant to the map or chart aforesaid; lots, numbers 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22 and 23, front on Jersey Street, and upon the River Road, and extend severally in the rear to the Passaic River; and lots, numbers 37, 38, 39, 40, 41, 42, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67 and 68, front on the River Road or Front Street, each of the said lots being 30 feet in width, in front and rear; said lots were conveyed by deeds from Prudding Alling, A. W. Corey, John H. Pounder, W. Stevens, and John P. Jackson, to Henry Yates, Esq., in whose name those lots or parcels of land above described will be found of record as aforesaid; said lots collectively are occupied and used as the Morris Canal Coal Yard.

Each and every one of the above described lots, pieces or parcels of land, together with the hereditaments and appurtenances, appertaining or belonging to each and every of them levied on by me, I will dispose of at public auction, at the place, day and hour, afore-

said, as fully and amply as I am empowered by the warrant aforesaid, and the act referred to. Dated March 18, 1839.

JOHN S. DARCY,
U. S. Marshal for the District of New Jersey.

The sale of the above property is adjourned to Saturday, the first day of June next, at the place and hour above-named.

JOHN S. DARCY,
April 20th, 1839. Marshal.

United States of America.

TREASURY DEPARTMENT,
Solicitor's Office, Feb'y 7, 1854.

Pursuant to the Act of Congress, passed Feb'y 22d, 1849, I hereby certify, that the foregoing five pages contain a true copy of an original paper on file in this office.

In witness whereof, I have hereunto set my hand, and caused [L. S.] the seal of the office of the Solicitor of the Treasury to be affixed, on the day and year first above written.

J. B. STREETER,
Solicitor of the Treasury.

That said Marshal made return to the office of the Solicitor of the Treasury of the United States, of a statement of said sale as follows:

THE UNITED STATES
v.
SAMUEL SWARTWOUT
and others.

By virtue of a distress warrant from the Treasury Department, dated Nov. 10, 1838, for $1,344,119 65. By virtue of the above stated writ, on the first day of June, 1839, between the hours of 12 and 5 o'clock of that day, I sold at public vendue, at the house of John Buck, in Jersey City, the following lots or parcels of land, more particularly described in Schedule No. 1, in the number corresponding with those herein stated. The No. of the lots, the name of the purchaser, the probable number of acres, and the amount for which the several sold for, are correctly made out in the following statement:

No. lots.	Lots usually called.	No. acres.	Names of purchasers.	Dolls.
1.	The Hoboken Meadows,	333	Asa Wright,	2,950
2.	The M. P. Green lot,	6	Asa Wright,	1,700
3.	The Josiah Hornblower do.,	$15\frac{77}{100}$	George Suckley,	2,500
4.	The Anna Hornblower do.,	$18\frac{47}{100}$	George Suckley,	3,150
5.	The Geo. B. Inniss lot,	$7\frac{13}{100}$	Asa Wright,	1,150

No. lots.	Lots usually called.	No. acres.	Names of purchasers.	Dolls.
6.	The Cyrus Browning lot,	$\frac{78}{100}$	Asa Wright,	205
7.	The John Stephens lot, The deed for this lot has not been taken, nor can the money be collected by me.	$2\frac{41}{100}$	Edwin R. V. Wright, sold for $1575	
8.	The Hackensack Meadows,	410	Asa Wright,	2,750
9.	The Hoboken Water lots,	10	Asa Wright,	350
10.	The Newark Dock lots,			9,750
	Whole amount of sales whereon Deeds were taken, .			24,505
	Amount bid off by Asa Wright, for . .		$18,855	
	Amount bid off by Geo. Suckley, paid for and deed taken, ...		5,650	
				24,505

The above is a true statement.

JOHN S. DARCY,

Newark, January 18, 1841. U. S. Marshal, Dist. of New Jersey.

United States of America.

TREASURY DEPARTMENT,
Solicitor's Office, Feb. 9, 1854.

Pursuant to the Act of Congress, passed on the 22d February, 1849, I hereby certify that the foregoing page contains a true copy of an original paper on file in this office.

In witness whereof, I have hereunto set my hand and caused the seal of the office of the Solicitor to be affixed, on the day and year first above written.

T. B. STREETER,
Solicitor of the Treasury.

That said Marshal made, executed, and delivered to the George Suckley, a deed for part of said lands, which deed was acknowledged and recorded as stated by the certificate thereon, which deed and certificate are as follows:

This Indenture, made the twentieth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, between John S. Darcy, Marshal of the United States of America, for the District of New Jersey, party of the first part, and George Suckley, of New York, party of the second part. Whereas, Henry D. Gilpin, Solicitor of the Treasury, heretofore, on the twelfth day of November, in the year one thousand eight hundred and thirty-eight, in pursuance of the Act of Congress, approved on the 18th day of May, 1820, entitled, "An Act for the better organization of the Treasury Department," issued under his hand and seal, a certain warrant of distress against Samuel Swartwout and Benjamin Bird-

sall, Charles L. Livingston, and Mangle M. Quackenboss, sureties of the said Samuel Swartwout, directed and delivered to the said Marshal, which said warrant is the words and figures following, to wit: To the Marshal of the United States, for the District of New Jersey: Whereas, Samuel Swartwout, late Collector of the Revenue for the port of New York, became indebted to the United States in the sum of one million three hundred and seventy-four thousand and one hundred and nineteen dollars and sixty-five cents, agreeably to the account truly stated by *by* the accounting officers of the Treasury, and certified by the first Comptroller of the Treasury, of which a copy is herewith transmitted; and whereas the sum of thirty thousand dollars has been paid on account of the said debt, so that the sum of one million three hundred and forty-four thousand one hundred and nineteen dollars and sixty-five cents remains due by the said Samuel Swartwout; and, whereas, the said Samuel Swartwout has failed to pay over, according to law, the sum of $1,344,119 65. These, therefore, are to command you, in pursuance of the Act of Congress, entitled, "An Act providing for the better organization of the Treasury Department, passed on the 15th day of May, 1820, to levy, take and sell the estate of the said Samuel Swartwout, and of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, the sureties of the said Samuel Swartwout, which may be situate in your district, according to the provisions of the said act; and in executing this warrant you will, by yourself or deputies, proceed to levy and collect the said sum of $1,344,119 65, remaining due, by the distress and sale of the goods and chattels of the said Samuel Swartwout, in the manner prescribed by the said act; and if the said goods and chattels be not sufficient to satisfy this warrant, you will levy the same on the person of the said Samuel Swartwout; and in case he should not satisfy the same, you will commit him to prison, there to remain until discharged by due course of law; and if goods and chattels of the said Samuel Swartwout are not found sufficient to satisfy this warrant, you will proceed to levy and collect the sum of one hundred and fifty thousand dollars, if so much of the said sum of $1,344,119 65 remains due by the said Samuel Swartwout, by distress and sale of the goods and chattels of Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, of the City of New York, who are sureties of the said Samuel Swartwout in the sum of $150,000, in the manner prescribed by the said act; and you are hereby further commanded to cause to be recorded forthwith in the office of the Clerk of the District Court for your district, the levy made by virtue hereof upon the lands, tenements, and hereditaments of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, with the date of the said levy. And you are hereby further commanded, if the goods and chattels of the said Samuel Swartwout, Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quacken-

boss, are not sufficient to satisfy the sum that remains due, to, sell in the manner prescribed by the said act, the lands, tenements, and hereditaments of the said Samuel Swartwout, and of the said Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, of so much thereof as may be necessary to satisfy the sum that may remain due; Provided always that you make by the levy and sale of the lands, tenements, and hereditaments of the said Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, sureties of the said Samuel Swartwout, only such part of the sum of $150,000 before mentioned, as shall have remained due after the sale of the goods and chattels of the said Benjamin Birdsall, Charles L. Livingston, and Mangle M. Quackenboss, and all monies that may remain of the proceeds of such sale after satisfying this warrant, and paying the costs and charges of executing the same, you are hereby required to return to the said Samuel Swartwout, or to his sureties, whose property has been sold, as the case may be; and whatever you may do in obedience to this warrant, you will make return thereof to the office of the Solicitor to the Treasury, and for your doing so, this shall be your sufficient authority. Given under my hand and seal, this 12th day of November, A.D. 1838. H. D. Gilpin (seal), Solicitor of the Treasury. And whereas, the said Marshal, in obedience to the command of the said warrant, and in pursuance of the said Act of Congress, did duly levy on and seize all the estate, right, title, and interest, which the said Samuel Swartwout had of, in, and to the premises, hereinafter conveyed and described at the time hereinafter specified; and on the first day of June, 1839, duly sold the said premises at public vendue at John Buck's Hotel, in Jersey City, in the State of New Jersey, a public place, within the county and district where said premises are situated, having first given public notice of the time and place of such sale, by duly advertising the same, pursuant to the Act of Congress aforesaid, at which sale the said premises were struck off to the aforesaid Geo. Suckley, party of the second part, for the sum of $5,650, he being the highest bidder, and that being the highest sum bidden for the same.

Now this indenture witnesseth, that the said party of the first part, by virtue of the said warrant of distress, and in pursuance of the Acts of Congress in such case made and provided, and in consideration of the sum of money so bidden as aforesaid to him duly paid, hath sold, and by these presents doth grant and convey unto the said party of the second part, all the estate, right, title, and interest which the said Samuel Swartwout had on the 14th day of October, 1838, or at any time afterwards, of, in, and to all that certain tract of land and premises in the Township and County of Bergen, described in a certain deed from Jonah Hornblower to Samuel Swartwout, dated the 1st day of May, A. D. 1835, and recorded 14 September 1835, in Liber P, 3, of Deeds for Bergen County, pages 295, 296, and 297, for fifteen acres and seventy-

seven hundredths, said tract being bounded northerly by the lands of George P. Innis and others, easterly by the Hoboken meadows, southerly by other lands of Samuel Swartwout, and westerly by lands now or late of Van Waggessen, Syms, and others; and also all that certain tract or parcel of land and premises in the Township and County of Bergen, conveyed by Samuel Cassidy and Abel J. Smith, Trustees of Anna Hornblower, deceased, to Samuel Swartwout, by deed bearing date the first day of May, 1835, and recorded Septem'r 14, 1835, in the Bergen County Book of Records, Liber P, 3, of Deeds, page 298, for 18 acres forty-seven hundredths, said land being situated at West Hoboken, and being bounded northerly by other lands of Samuel Swartwout, and lands of Cornelius Van Vorst, and westerly by lands of Van Waggenen, Syms, and others. To have and to hold the said above-mentioned and conveyed premises unto the said Geo. Suckley, party of the second part, and to his heirs and assigns forever, as fully and absolutely as the said party of the first part as Marshal as aforesaid can or ought to, by virtue of the said warrant of distress, and the laws relating thereto.

In witness whereof, the said John S. Darcy, Marshal of the United States of America for the District of New Jersey hath hereunto set his hand and seal, the day and year first above written.

JOHN S. DARCY. [L. S.]

Sealed and delivered in the presence of (words "you will," on first page, first interlined, and words "acres" on second page first written on erasure before execution hereof)

JOSEPH N. TUTTLE.

New Jersey, *ss.*

On this twentieth day of June, in the year eighteen hundred and thirty-nine, before me, Joseph N. Tuttle, one of the Masters in Chancery of said State, personally appeared John S. Darcy, Marshal of the United States for the District of New Jersey, who, I am satisfied, is the grantor in the within deed of conveyance named, and I, having first made known to him the contents thereof, he did thereupon acknowledge that he signed, sealed and delivered the same as his voluntary act and deed, for the uses and purposes therein expressed.

JOSEPH N. TUTTLE,
Master in Chancery.

Received, in the Clerk's Office of the County of Bergen, the 26 day of June, A. D. 1839, and recorded in Lib. A 4 of Deeds, pages 161, 162, 163, 164, and 165.

SAM'L H. BERRY,
Clerk.

That George Suckley is deceased, and that the lands in question were devised by his last will and testament, duly executed, proved, and recorded, to pass real estate to the defendants in ejectment.

That the Solicitor of the Treasury made, executed, and delivered, to said George Suckley, a deed for part of said lands, which deed was acknowledged, as stated by the certificates thereon, which deed and certificates are as follows:

This Indenture, made this fourteenth day of June, in the year one thousand eight hundred and thirty-nine, between H. D. Gilpin, Solicitor of the Treasury of the United States, party of the first part, and George Suckley, of the City of New York, party of the second part: Whereas, Samuel Swartwout, by his attorney in fact, Henry Ogden, by indenture of mortgage, bearing date the tenth day of November, one thousand eight hundred and thirty-eight, and recorded in the Clerk's Office, in the County of Bergen, in Liber J of Mortgages, pages 321, 322, and 333, for the consideration therein mentioned, and to secure the payment of the money therein specified, did convey certain lands and tenements, of which the lands hereinafter described are part, unto the said H. D. Gilpin, Solicitor of the Treasury of the United States of America; and whereas, the said party of the first part, at the request of the said party of the second part, has agreed to give up and surrender the lands hereinafter described unto the said party of the second part, and to hold and retain the residue of the mortgaged lands as security for the money remaining due in the said mortgage: now this Indenture witnesseth, that the said party of the first part, in pursuance of the said agreement, and in consideration of one dollar to him duly paid at the time of the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, released, quitclaimed, and set over, and by these presents does grant, release, quitclaim, and set over, unto the said party of the second part, all that part of the said mortgaged lands in the Township and County of Bergen, described in a certain deed from Josiah Hornblower to Samuel Swartwout, dated the first day of May, A. D. 1835, and recorded the 14th day of September, 1835, in Liber P 3 of Deeds per Bergen County, pages 295, 296, and 297, for fifteen acres and seventy-seven hundredths; said tract is bounded, northerly, by lands of George P. Innis and others; easterly by the Hoboken Meadows; southerly by other land of Samuel Swartwout; and westerly by lands now or late of Van Waggenen, Syms, and others. And also all that certain tract or parcel of land, in the Township and County of Bergen, conveyed by Samuel Cassedy and Abel J. Smith, Trustees of Anna Hornblower, deceased, to Samuel Swartwout by deed, bearing date the first day of May, 1835, and is recorded Sept. 14, 1835, in the Bergen County Book of Records, Liber P 3 of Deeds, page 298, for eighteen acres and forty-seven hundredths; said land is situated at West Hoboken, and is bounded,

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northerly, by other lands of Samuel Swartwout; easterly by Hoboken Meadows; southerly by other land of Samuel Swartwout and land of Cornelius Van Vorst, and westerly by land of Van Waggenen, Syms, and others; together with the hereditaments and appurtenances thereunto belonging; and all the right, title, and interest of the said party of the first part, of, in, and to the same, to the intent that the lands hereby conveyed may be discharged from the said mortgage, and that the rest of the lands, in the said mortgage specified, may remain to the said party of the first part as heretofore. To have and to hold the lands and premises hereby released and conveyed to the said party of the second part, his heirs and assigns, to his and their only proper use, benefit, and behoof forever, free, clear, and discharged of and from all lien and claim, under and by virtue of the indenture of mortgage aforesaid.

In witness whereof the said parties have hereunto set their hands and seals, the day and year first above written.

[L. S.] H. D. GILPIN,
Solicitor of the Treasury.

Sealed and delivered in the
presence of us,
NICH'S J. HASPUR,
BASIL WARING.

District of Columbia, City and County of Washington, *ss.*

On the fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty-nine, before me, the Chief Justice of the Circuit Court of the United States, in the District of Columbia, personally came Henry D. Gilpin, Solicitor of the Treasury of the United States, to me personally known to be the same person described in, and who executed the within instrument of release, and acknowledged to me that he had executed the same.

In witness whereof I have hereto set my hand and seal, the above day and year.

W. CRANCH, [SEAL.]
Chief Justice of the Circuit Court of the United States,
in the District of Columbia.

I, William Brent, Clerk of the Circuit Court of the United States, in the District of Columbia, do hereby certify that the Honorable William Cranch, before whom the preceding acknowledgment was made, was at the time of making the same and now is Chief Justice of the said Circuit Court of the United States, for the District of Columbia.

In witness whereof I have hereunto affixed the seal of the said Court, and subscribed my name, on this fifteenth day of June, in the year of our Lord one thousand eight hundred and thirty-nine.

WM. BRENT,
Clerk.

"That the levy made under the said execution out of the Supreme

Court of New Jersey, the Sheriff's deed thereon, and the deed from Rathbone to Kayser; the levy of the Marshal under the distress warrant; the Marshal's deed to George Suckley, and the deed of the Solicitor of the Treasury to George Suckley, include the premises in question; and that the part of the County of Bergen in which the premises are, was in April, 1840, created into the County of Hudson. That Samuel Swartwout executed a power of attorney, Samuel Swartwout to Henry Ogden *to Henry Ogden*, which was acknowledged and proved as stated in the certificate thereon, which power and certificate are as follows.

"Know all men by these presents, That I, Samuel Swartwout, of the City of New York, have made, constituted, and appointed, and by these presents make, constitute, and appoint Henry Ogden, of the same place, my true and lawful Attorney, for me, and in my name, place, and stead, and unto my use to ask, demand, sue for, levy, recover, and receive all such sum and sums of money, debts, rents, goods, wares, dues, amounts, and other demands whatsoever, which are or shall be due, accruing, payable, and belonging to me, or detained from me in any manner, way, or means whatsoever, by any person, body politic, or corporate, or number of association of persons whatsoever, and to make and execute for me and in my name all deeds, bonds, and mortgages, leases, promissory notes, receipts, acquittances, contracts, and agreements, which I might or could do if personally present, giving and granting unto my said Attorney, full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done, in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all my said Attorney or substitute shall lawfully do or cause to be done by virtue hereof.

In witness whereof I have hereunto set my hand and seal, the fourth day of August, one thousand eight hundred and thirty-eight.

SAM'L SWARTWOUT, [L. S.]

Sealed and delivered in the presence of,

J. PHILLIPS.

State of New York, City and County of New York.

On the third day of October, 1838, personally came before me, Joshua Phillips, subscribing witness to the within power of Attorney, to me known, who on being duly sworn before me, did depose and say that he resides in the City of New York, that he is acquainted with Samuel Swartwout, and that he knows him to be the same person described in and who executed the within Power of Attorney, that he saw him sign the same, and that he acknowledges that he executed the same in his presence, and that he subscribed his name as a witness thereto.

ISAAC O. BARKER,
Comm'r of Deeds.

Recorded the preceding at the request of H. Ogden, 3d October, 1838, at 10 minutes past 1 P. M.

W. CROSS,
D. Reg'r.

I, James Gulich, Register of the City and County of New York, do hereby certify that I have compared the preceding with the original Record of Power of Attorney which is recorded in the said Office of Register in Liber No. 4, of Powers of Attorney, page 136, and the same is a correct transcript therefrom, and of the whole of such original record.

Given under my hand this 9th day of November, A. D. 1838.

W. CROSS,
D. Reg'r.

That any instrument of writing purporting to be a mortgage given by Samuel Swartwout by Henry Ogden, his Attorney, to Henry D. Gilpin, Solicitor of the Treasury, was signed, sealed, and delivered, and was acknowledged as stated in the certificate thereon, and that the same, with a copy of said power thereto annexed, and said certificate of acknowledgment, were recorded at length in Liber I, of mortgages for the County of Bergen, page 321, &c., as in a certificate of said recording, endorsed thereon, is stated, which instrument, copy of power, certificate, and the record thereof, are as follows:

Know all men by these presents, that I, Samuel Swartwout, of the City of New York, have made, constituted, and appointed, and by these presents do make, constitute, and appoint, Henry Ogden, of the same place, my true and lawful attorney, for me and in my name, place, and stead, and unto my use, to ask, demand, sue for, levy, recover, and receive, all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever, which are or shall be due, owing, payable, and belonging to me or detained from me in any manner, way or means whatsoever, by any person, body politic, or corporate, or number of association of persons whatsoever, and to make and execute for me and in my name all deeds, bonds, mortgages, leases, promissory notes, receipts, acquittances, contracts, and agreements which I might or could do if personally present, giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully to all intents and purposes as I might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all my said attorney or substitute shall lawfully do or cause to be done by virtue hereof.

In witness whereof, I have hereunto set my hand and seal, the fourth day of August, one thousand eight hundred and thirty-eight.

SAM'L SWARTWOUT. [L. S.]

Sealed and delivered in presence of

J. PHILLIPS.

State of New York, *ss.*

On the third day of October, 1838, personally came before me Joshua Phillips, subscribing witness to the within Power of Attorney to, me known, who, on being duly sworn before me, did depose and say, that he resides in the City of New York, that he is acquainted with Samuel Swartwout, and that he knows him to be the same person described in and who executed the within power of attorney, that he saw him sign the same, and that he acknowledges that he executed the same in his presence, and that he subscribed his name *his name* as a witness thereto.

ISAAC O. BARKER,
Comm'r of Deeds.

Recorded the preceding at the request of H. Ogden, 3d October, 1838, 10 minutes past 1 P. M.

W. CROSS,
D. Reg'r.

I, James Gulich, Register of the City of New York, do hereby certify that I have compared the preceding with the original record of Power of Attorney, which is recorded in the said Office of Register in Liber No. 4, of Powers of Attorney, page 136, and the same is a correct transcript therefrom, and of the whole of such original record.

Given under my hand this ninth day of November, A. D. 1838.

W. CROSS,
D. Reg'r.

This Indenture, made the tenth day of November in the year one thousand eight hundred and thirty-eight, between Samuel Swartwout, of the City of New York, by his attorney in fact, Henry Ogden, of the first part, and Henry D. Gilpin, Solicitor of the Treasury of the United States, for the use of the United States, of the second part; whereas, the said Samuel Swartwout is justly indebted to the United States of America, in the sum of one million of dollars, now this indenture witnesseth, that the said party of the first part, for the better securing of the said sum of money, and also in consideration of the sum of one dollar to him paid by the said party of the second part before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, released, conveyed, and confirmed, and by these presents does grant, bargain, sell, alien, release, convey, and confirm unto the said party of the second part, his successors and assigns, for the use aforesaid, all that certain tract or parcel of land situate in the County of Bergen,

and State of New Jersey, known as Swartwout's Hoboken Meadows, containing in all about three hundred and thirty-three acres; and also, all that tract or parcel of land, situate in the County of Bergen, and State of New Jersey, known as Swartwout's Upper Meadows, containing in all about four hundred acres, and also all that certain tract or parcel of land situate in the said County of Bergen, and State of New Jersey, as Swartwout's Bergen Hill property, containing in all about thirty-five acres, and also all the right, title, and interest of the party of the first part, in all and any estate, real and personal, situate and being in State of New Jersey, together with the appurtenances thereto belonging, and all the estate, right, and interest in law and equity of the said party of the first part, in and to the said premises and every part thereof, with their appurtenances; to have and to hold the same to the said party of the second part, his successors and assigns forever. Provided always, and these presents are upon this express condition, that if the said party of the first part, his heirs, executors, and administrators, shall pay to the United States of America, the said sum of one million of dollars, and the interest thereon, within one week from the date of these presents, and the estate hereby granted shall cease, determine, be void, but otherwise to remain in full force. In witness whereof, the parties hereto have set their hands and seals, the day and year first above written, the said party of the first part by his attorney, duly appointed for that purpose, by letter of attorney dated the 4th August, 1838, now on file in the Transfer Office of the Manhattan Company of New York, and recorded in the Register's Office of the City of New York, in Liber No. 4, of Powers of Attorney, page 136, a copy of which letter of attorney is hereto annexed.

SAMUEL SWARTWOUT, [L. S.]
By his Attorney,
HENRY OGDEN, [L. S.]

City of New York, to wit.

Be it remembered, that on the tenth day of November, in the year of our Lord one thousand eight hundred and thirty-eight, personally appeared before the subscriber, Mayor of said City, Henry Ogden, attorney of Samuel Swartwout, the within grantor, to me known to be the person described in, and who executed, the foregoing instrument, and acknowledged the foregoing instrument to be the act and deed of the said Samuel Swartwout, and desired that it might be recorded as such.

In witness whereof, I have hereunto set my hand and caused the seal of the Mayoralty of the City of New York to be affixed to these presents, on the day and year first above written. [L. S.]

AARON CLARK,
Mayor.

Received in the office and rec'd the 10th day of November, A. D. 1838, at 6 o'clock A. M.

SAM'L DE BEWRY,
Clerk.

State of New Jersey, Bergen County, *ss.*

I, Grant G. Ackerson, Clerk of the County of Bergen, and Clerk of the Court of Common Pleas in and for said County, do certify the foregoing to be true copies of a power of attorney and a mortgage, and of the proof or acknowledgements thereof, as the same remains of record in Liber I, of mortgages for Bergen County aforesaid, pages 321, 322, and 323.

[L. S.] Witness my hand and seal of said County and Court, this second day of June, A. D. 1852.

Fees, $1 50. GARRET G. ACKERSON,
Clerk.

Endorsed: Nov. 10, 1838; S. Swartwout, by his Attorney, Henry Ogden, to Henry D. Gilpin, Sol'r of the Treasury, U. S.

That on the thirtieth day of November, A. D. 1838, said instrument, purporting to be a mortgage from Samuel Swartwout, by Henry Ogden, his attorney, to the United States, was shown to William P. Rathbone, then the agent of said James B. Murray and John C. Kayser, in the matter of their claim against said Samuel Swartwout, upon which said judgment was obtained in the Supreme Court of New Jersey, and the contents thereof made known to him in the County Clerk's office, where it was left to be recorded.

That the judgment of Kayser and Murray against Samuel Swartwout in the Supreme Court of New Jersey, was not actually entered on the minutes of the Court until the 7th day of March, 1839, in the term of February, 1839, and is signed as of the first day of February term, 1839; that being the 26th day of that month, it being the practice of the Courts of New Jersey to enter all judgments during a term, as of the first day of the term; that no affidavit was filed or exhibited at or before the entry of said judgment. That the summons in said case and the endorsement and appearance thereon, the cognovit in said case and the endorsement thereon, and the rule for judgment in said case, as existing on the files of the Supreme Court of New Jersey, are as follows:

New Jersey, to wit:

[L. S.] To our Sheriff of our County of Bergen, greeting: We command you to summon Samuel Swartwout, if in your County he may be found, that he may appear before our Justices of our Supreme Court of Judicature, at Trenton, on the last Tuesday of

February next, to answer unto James B. Murray and John Keyser, in a plea that he render unto them sixty thousand dollars, of debt which to them he owes, and from them unjustly detains, and have you then there this writ; witness, Joseph C. Hornblower, Esquire, Chief Justice of our Supreme Court, at Trenton, this second Tuesday in November, in the year of our Lord one thousand eight hundred and thirty-eight.

ROSSELL,
Clerk.

Endorsed: New Jersey Sup. Court, Bergen; James B. Murray and John Keyser *v.* Samuel Swartwout; In debt, $60,000. Returnable Feb'y Term, 1839. J. H. Williamson, Atty.

I appear to this writ for the defendant, and acknowledge due service thereof.

J. D. MILLER,
Att'y for Def't.

SAMUEL SWARTWOUT
adsm.
JAMES B. MURRAY and
JOHN KEYSER.
} In debt.

New Jersey Supreme Court, of the Term of February, in the year of our Lord one thousand eight hundred and thirty-nine.

I confess the debt in this cause, and that the plaintiffs have sustained damages to the amount of one dollar on the occasion of the detaining thereof, besides their costs and charges in this behalf to be taxed.

A true copy,
WM. M. VORCE,
Clerk.

J. D. MILLER,
Att'y for Defend't.

Endorsed: N. J. Sup. Court. Samuel Swartwout *adsm.* James B. Murray and John Keyser. Cognovit. J. D. Miller, Att'y. Filed 7th March, 1839. (Copy.) Rossell, Clerk.

New Jersey Supreme Court. February Term, 1839.

JAMES B. MURRAY and
JOHN C. KAYSER
v.
SAMUEL SWARTWOUT.
} In debt.

A declaration having been duly filed in this cause, and the defendant's attorney having filed a cognovit confessing the action of the plaintiffs, and that the said defendant owes to and detains from the said plaintiffs their debt, &c. It is ordered that judgment final be entered in favor of the plaintiffs for their said debt against said de-

fendant, with costs to be taxed on motion of J. H. Williamson, Att'y of Pl'ffs.

A true copy from the minutes.

WM. M. FORCE,
Clerk.

That at the sale made by the Marshal under the distress warrant, William P. Rathbone was in attendance, and before any part of the lands were sold by said Marshal, gave public notice in behalf of himself and John C. Kayser, the lessors of the plaintiff in this cause, that if the Marshal proceeded to sell said lands, or any part of them, the title under it would be disputed. And that said Rathbone claimed that there was a judgment obtained by said James B. Murray and Kayser against Samuel Swartwout, which would operate as a prior lien upon the property to be sold, which judgment is the same as that under which the plaintiff claims, and that said Rathbone caused to be read and posted in the salesroom a notice in writing to the effect above stated.

Circuit Court of the United States, for the Third Circuit and District of New Jersey.

JOHN DEN, *ex dem.*
JAMES B. MURRAY, and
JOHN C. KAYSER,
v.
THE HOBOKEN LAND AND IMPROVEMENT COMPANY.

On ejectment for lands at Hoboken aforesaid, in possession of Thomas A. Harley and others.

Special verdicts having been found in this case, and motion being made in behalf of the plaintiffs for judgment thereon, upon the hearing and debating of said motion before the Judges of this Court, the following points were raised and substituted in said case; that is to say:

I. Whether the said power of attorney in said special verdict mentioned was sufficient, and was duly proved or acknowledged, and entered on the public records of the State of New Jersey, so as to authorize the execution of the said mortgage in the said special verdict mentioned.

II. Whether the said mortgage was duly proved or acknowledged and recorded, and if not, whether the notice of the same given to the said William P. Rathbone, as found by the special verdict, cured any defect in that behalf, so as to give priority to the said mortgage over the said judgment in the said special verdict mentioned.

III. Whether the said warrant of distress in the special verdict mentioned, and the proceedings thereon and anterior thereto, under

which the defendants claim title, are sufficient, under the Constitution of the United States, and the law of the land, to pass and transfer the title and estate of the said Swartwout in and to the premises in question, as against the lessors of the plaintiff.

And the Judges of this Court, being of opposite opinions upon each and every of the said points, do, upon request of the counsel of the respective parties, hereby date and certify the same to the Supreme Court of the United States, for their opinion and decision thereon.

In testimony whereof, we, Robert C. Grier and Philemon Dickerson, Judges of the Circuit Court aforesaid, have hereto, at the City of Trenton, on this twenty-seventh day of September, in the year of our Lord one thousand eight hundred and fifty-four, set our hands, and caused the seal of the said Circuit Court to be affixed.

[SEAL.]

R. C. GRIER.
PH. DICKERSON.

United States of America, District of New Jersey, *ss.*

I, Philemon Dickerson, Junior, Clerk of the United States Circuit Court, in and for the District of New Jersey, do hereby certify that the foregoing is a true copy of a certificate under the hands of the Judges of said Court, and under the seal thereof, as the same remains affiled of record in my said office.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, this third day of October, eighteen hundred and fifty-four.

[SEAL.]

P. DICKERSON, Jr.,
Clerk.
By JOHN M. GOULD,
Deputy.